

# BULKY DOCUMENTS

(Exceeds 300 pages)

Proceeding/Serial No: 91/28615

Filed: 07-12-06

Title: Notice of filing the Certified  
transcript of the Testimony deposition  
of Kenneth H. Taylor And Accompanying Exhibits

Part 1 of 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California,

Opposer,

v.

University of South Carolina

Applicant.

Opposition No. 91125615

Serial Nos. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: January 11, 2000

**NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY  
DEPOSITION OF KENNETH H. TAYLOR AND ACCOMPANYING EXHIBITS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, under 37 CFR § 2.123(f) and TBMP 703.01(k), Opposer the University of Southern California is hereby filing with the Board the certified transcript of the testimony deposition of Kenneth H. Taylor dated March 3, 2006, along with the accompanying exhibits and corrections. Copies of said transcript and corrections to same were previously served on counsel for Applicant.

Dated: July 10 2006

Respectfully submitted,

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07-12-2006

1       IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2       BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3       UNIVERSITY OF SOUTHERN    )Opposition No. 125,615  
4       CALIFORNIA,                )  
5                                    )Serial No. 75/358,031  
6                                    )  
7                                    )Mark: SC (Stylized)  
8                                    )  
9       vs.                         )  
10                                  )Filed: September 16, 1997  
11       UNIVERSITY OF SOUTH       )  
12       CAROLINA,                 )Published: May 18, 1999  
13                                  )  
14                                  )Applicant.            )

15                               Deposition of KENNETH H. TAYLOR,  
16       taken on behalf of the Applicant, at the law  
17       offices of Nelson, Mullins, Riley & Scarborough,  
18       1320 Main Street, 17th Floor, Columbia, South  
19       Carolina, on the 3rd day of March, 2006, commencing  
20       at 9:56, a.m., before Terri L. Brusseau, Notary  
21       Public and Registered Professional Reporter, CP,  
22       CRR.

COPY

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Kenneth H. Taylor

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8 (INDEX AT REAR OF TRANSCRIPT)

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Kenneth H. Taylor

1                   MR. McELWAIN: This is a stipulation  
2     for the deposition of Mr. Taylor. The parties have  
3     agreed to waive the requirements of 2.123(f)(1)  
4     regarding the certification and filing of  
5     Mr. Taylor's deposition as it applies to the Court  
6     Reporter's duties. Parties have also agreed to  
7     waive the requirement of 2.123(e)(5) in which the  
8     signature of the deponent needs to be signed in  
9     front of a person authorized to administer oaths.

10                  Counsel, do you agree to that?

11                  MR. ADLER: So stipulated.

12                  KENNETH H. TAYLOR

13     being first duly sworn, testified as follows:

14                  DIRECT EXAMINATION

15     BY MR. ADLER:

16                  Q. Morning, Mr. Taylor.

17                  A. Morning.

18                  Q. Can you please state for the record  
19     your full name.

20                  A. Kenneth Howard Taylor.

21                  Q. And for whom do you currently work?

22                  A. Marksmen, Incorporated. Marksmen,  
23     M-A-R-K-S-M-E-N, Inc.

24                  Q. And what is your position at Marksmen?

25                  A. President and CEO.

Kenneth H. Taylor

1           Q.    And what are your responsibilities in  
2   that position?

3           A.    Develop business, promote the company,  
4   do investigations, advise different aspects of the  
5   company, create branding for the company.

6           Q.    How did you come to be involved in this  
7   matter between the University of Southern  
8   California and the University of South Carolina?

9           A.    I was in your LA offices I believe  
10   talking to Mandy updating her about our services.  
11   She mentioned that this was going on and that they  
12   would need somebody in the south to do an  
13   investigation and I volunteered to do it because I  
14   was available and some of my other guys were sick  
15   or busy I believe was the reason.

16          Q.    And just for the record, Mandy is Mandy  
17   Robertson-Bora, the paralegal at Gibson, Dunn &  
18   Crutcher?

19          A.    Correct.

20          Q.    Were you compensated for your work on  
21   this matter?

22          A.    I was.

23          Q.    At what -- how did your compensation in  
24   this matter compare to your standard compensation?

25          A.    It's the standard domestic compensation

Kenneth H. Taylor

1     so it's -- compares exactly if that's what you're  
2     asking.

3             Q.     That's what I'm asking.

4             A.     Okay.

5             Q.     And how does your rate as president  
6     compare with any other investigator at Marksmen?

7             A.     It's no different.

8             Q.     What did you do, big picture, in your  
9     work in this matter?

10            A.     I went to various stores and malls in  
11     North Carolina, Georgia, South Carolina, Alabama,  
12     documented what was there in the stores looking for  
13     collegiate-branded apparel or merchandise that was  
14     sold in direct proximity to each other or mixed  
15     together, however you want to say it, looking for  
16     goods sold by either the University of South  
17     Carolina or University of Southern California. Can  
18     I have a shorthand for those, can I say Carolina  
19     and California?

20            MR. PATTERSON: That's fine. I think  
21     we'll know who you're talking about.

22            THE WITNESS: Okay. Looking for --  
23     within that group of goods sold by Carolina or  
24     California looking for goods that had SC on it and  
25     then looking for goods that -- looking for hats



Kenneth H. Taylor

1     that had SC on them. Oh, excuse me, I also -- when  
2     I traveled was asked if I saw a mall with a sports  
3     store to pop in and see what was there so I did a  
4     little bit of that.

5     BY MR. ADLER:

6             Q.     What records did you keep during your  
7     work on this matter?

8             A.     I took notes and I took pictures.

9             Q.     Do those notes still exist?

10            A.     No, they do not.

11            Q.     I'm going to mark as Exhibit 328 a  
12     proof sheet of photographs.

13            A.     Thank you.

14                    (OPPOSER'S EXH. 328, Proof Sheet, was  
15     marked for identification.)

16     BY MR. ADLER:

17            Q.     I'm also going to mark in addition to  
18     these photographs -- mark as Exhibit 329 a printout  
19     of the index of those photos.

20                    (OPPOSER'S EXH. 329, Marksmen Photo  
21     Index, was marked for identification.)

22                    MR. ADLER: I will represent to you  
23     that the additional handwriting and markings came  
24     from Mandy Robertson-Bora, the paralegal, and I am  
25     providing them to you with her notes because these

Kenneth H. Taylor

1 are the way that Mr. Taylor reviewed it last night  
2 in refreshing his recollection.

3 BY MR. ADLER:

4 Q. If you would look at Exhibit 328. I  
5 sort of provided a description, but I'm not the  
6 witness. In your words, can you describe what  
7 Exhibit 328 is.

8 A. It's a proof sheet of all the  
9 photographs I took during the investigation.

10 Q. And while it's on our minds, on the  
11 ninth page there are three pictures of what appear  
12 to be cotton, is that correct?

13 A. Yes.

14 MR. PATTERSON: Could you tell me  
15 exactly where you're looking so I'm on the same  
16 page.

17 THE WITNESS: I think it's 8, Page 8.

18 MR. PATTERSON: Okay.

19 BY MR. ADLER:

20 Q. Why are there three pictures of cotton  
21 in the midst of all this?

22 A. That was a present to you from my visit  
23 in the south. They didn't turn out very well.

24 Q. But otherwise aside from those three  
25 pictures, the rest of them are the pictures that

Kenneth H. Taylor

1     you took while working on this matter?

2             A.     That's correct.

3             Q.     What was your practice in terms of  
4     taking these photos?

5             A.     I would go into the store, I would look  
6     and see if I found the merchandise that I was  
7     instructed to document and I would ask -- well, I'm  
8     sorry, let me back up.

9             I would take a picture of the mall to  
10    make sure I knew which mall I was in, I would take  
11    a picture of the store before I went into it and  
12    then I would take a picture of merchandise once I  
13    located it and I would ask -- I would ask  
14    permission to take pictures before I took pictures.

15            Q.     Did you take pictures in every store?

16            A.     No.

17            Q.     Why not?

18            A.     I wasn't given permission in some  
19    stores to take pictures, other stores did not have  
20    things that were relevant to my instructions, other  
21    stores didn't have any -- any of the merchandise at  
22    all.

23            Q.     Why don't we start with Picture

24    DSCN 1675.    It's on the first page.

25            A.     Okay.

Kenneth H. Taylor

1 Q. Do you see that?

2 A. Yes.

3 Q. I'd like to mark as Exhibit 330 an  
4 expanded version of 1675 and 1678.

5 (OPPOSER'S EXH. 330, Finish Line  
6 photographs, was marked for identification.)

7 BY MR. ADLER:

8 Q. What are these two pictures?

9 A. The first one, this one, is the  
10 storefront of the Finish Line in the SouthPoint  
11 Mall in Durham and the second picture is  
12 merchandise I found inside that store.

13 Q. And do you recall visiting the Finish  
14 Line Mall in the SouthPoint -- sorry, the Finish  
15 Line store in the SouthPoint Mall in Durham, North  
16 Carolina?

17 A. Say that question again, I'm sorry.

18 Q. Do you recall visiting the Finish Line  
19 store in the SouthPoint Mall in Durham, North  
20 Carolina?

21 A. Yes, I do.

22 Q. And is this a true and accurate  
23 reflection of what the merchandise looked like as  
24 it was displayed in the Finish Line store in the  
25 SouthPoint Mall?

Kenneth H. Taylor

1           A.    Yes, it is.

2           MR. PATTERSON:  Objection, leading,  
3   foundation.

4           MR. ADLER:  Let's go off the record for  
5   a second.

6                    (Off-the-record conference.)

7   BY MR. ADLER:

8           Q.    Counsel has objected that my question  
9   may have been overbroad.

10                   The picture on the second page of this  
11   exhibit, is that a fair and accurate reflection of  
12   that set of merchandise as it existed when you  
13   visited the Finish Line store in the SouthPoint  
14   Mall?

15           A.    Yes, it is.

16           Q.    And is that typical of the way that  
17   merchandise was presented in the Finish Line store  
18   in the SouthPoint Mall?

19           A.    Yes, it is.

20           MR. ADLER:  Move to admit Exhibit 330.

21           MR. PATTERSON:  No objection.

22   BY MR. ADLER:

23           Q.    Bringing your attention to DSCN 1703.

24   Let's actually just globally step back and talk

25   about the order in which you visited stores and how

Kenneth H. Taylor

1     you collected these photographs.

2                   The first set of stores -- well, on the

3     photo index, the first store says, ACC Shop RDU.

4     What was that?

5                   A.     That was a store that was in the, I

6     think, C terminal of Raleigh-Durham Airport.

7                   Q.     And were you asked specifically to go

8     to Raleigh-Durham Airport?

9                   A.     No, I was asked to in my travels if I

10    saw a sports store or the like that sold branded

11    collegiate apparel to stop in and see what was

12    there and take pictures.

13                   Q.     And then the next set of photographs

14    appear to come from -- I know you just said the

15    SouthPoint Mall in Durham, North Carolina. How did

16    you come to the SouthPoint Mall in Durham, North

17    Carolina?

18                   A.     I was instructed to go there.

19                   Q.     Do you know why you were instructed to

20    go there?

21                   A.     I was told that they had a sports store

22    there that might sell California and -- did I say

23    California? California and Carolina merchandise.

24                   Q.     After the SouthPoint Mall, we have the

25    New Hope Commons Mall, is that correct?

## Kenneth H. Taylor

1           A.    Yes.

2           Q.    And where is the New Hope Commons Mall?

3           A.    It's in Durham, North Carolina.

4           Q.    And how did you come to that mall?

5           A.    I was instructed to go there as well.

6           Q.    And why were you instructed to go  
7 there?

8           A.    I was told that there was probably  
9 Carolina and/or California merchandise for sale  
10 there.

11          Q.    After the New Hope Commons Mall, it  
12 looks like the Four Seasons Mall. Where is the  
13 Four Seasons Mall?

14          A.    It's in Greensboro, North Carolina.

15          Q.    And why were you instructed to go --  
16 why did you go there?

17          A.    I was instructed to go there.

18          Q.    And why were you instructed to go  
19 there?

20          A.    To see if there was merchandise sold by  
21 California and Carolina.

22          Q.    In general -- I'm going through each of  
23 these in excruciating detail. What was the general  
24 path of your investigation?

25          A.    It was -- it's -- it goes through this

## Kenneth H. Taylor

1 list. I started from where I -- near where I lived  
2 in Chapel Hill and then went west to Greensboro,  
3 Winston-Salem, I think High Point and then I went  
4 down to Charlotte and then I went to Columbia and  
5 then I went to -- no, I went to Rock Hill, then I  
6 went to Columbia and then I went to Aiken and then  
7 I went to Augusta, Atlanta, Auburn and then I  
8 went -- got back home and I went east to a mall in  
9 Durham that I hadn't gone to.

10 Q. And roughly in total how much time did  
11 you spend on this?

12 A. On that particular trip it was a week,  
13 five days, something like that.

14 Q. And how many stores overall did you  
15 visit?

16 A. The exact list is in this picture, but  
17 it's something like 134, 135 stores.

18 Q. All right. Now going back to the proof  
19 sheet and directing your attention to 1703.

20 (OPPOSER'S EXH. 331, Sports Fan-Attic  
21 photographs, was marked for identification.)

22 BY MR. ADLER:

23 Q. I've marked as Exhibit 331 what is on  
24 the proof sheet as 1703 and 1709.

25 A. Thank you.



Kenneth H. Taylor

1 Q. Do you recognize these photos?

2 A. Yes, I do.

3 Q. And where were these photos taken?

4 A. The Sports Fan-Attic in SouthPoint Mall  
5 in Durham, North Carolina.

6 Q. And turning to the second photo in this  
7 exhibit, is that a true and accurate reflection of  
8 how those hats were displayed at the Sports  
9 Fan-Attic store in the SouthPoint Mall in Durham,  
10 North Carolina?

11 A. Yes, it is.

12 Q. And was that representative of how  
13 collegiate merchandise in general was displayed at  
14 the Sports Fan-Attic store in SouthPoint Mall in  
15 Durham, North Carolina?

16 A. Yes, it was.

17 MR. PATTERSON: Objection.

18 MR. ADLER: Move to admit Exhibit 331.

19 MR. PATTERSON: No objection.

20 BY MR. ADLER:

21 Q. I'm not sure I asked you, during what  
22 time period -- I asked you how long this took, but  
23 during what time period were you taking these  
24 photos and conducting this investigation?

25 A. From the beginning to the end, it was

Kenneth H. Taylor

1 pretty much the month of November. I think it went  
2 into maybe the first week in December, something  
3 like that.

4 Q. Direct your attention to Photographs  
5 1715 and 1717 and mark as Exhibit 332 versions of  
6 those two photographs.

7 A. Thank you.

8 (OPPOSER'S EXH. 332, Wal-Mart  
9 photographs, was marked for identification.)

10 BY MR. ADLER:

11 Q. What are these photographs of?

12 A. This is the Wal-Mart store in the New  
13 Hope Commons shopping center and the merchandise  
14 inside that store in Durham, North Carolina.

15 Q. And is that second page a true and  
16 accurate reflection of how merchandise was  
17 displayed in the New Hope store Wal-Mart?

18 A. Yes, sir.

19 MR. PATTERSON: Objection, leading,  
20 foundation.

21 MR. ADLER: I'm going to ask a  
22 foundational question.

23 BY MR. ADLER:

24 Q. Do you recall visiting the Wal-Mart  
25 store in the New Hope Commons shopping center?

Kenneth H. Taylor

1           A.    Yes, I do.

2           Q.    How does this photograph compare to  
3 your recollection of how that merchandise was  
4 displayed in the Wal-Mart store in the New Hope  
5 Common Mall?

6           A.    This looks like how I remember it being  
7 displayed.

8           Q.    Did you -- when you were taking  
9 photographs in general -- well, let me ask about  
10 this particular photograph.

11                   When you were taking this particular  
12 photograph, did you move any merchandise around in  
13 order to take your photograph?

14           A.    I did not.

15           Q.    When you in general were visiting  
16 stores, did you move merchandise around in order to  
17 take photographs?

18           A.    In general I did not.

19           Q.    Were there exceptions?

20           A.    Yes, there were.

21           Q.    And when did you move merchandise?

22           A.    There was an instance where shirts were  
23 hanging in a circular rack and I wasn't able to  
24 take them in the position they were so I turned  
25 them out so I could take them. I moved shirts from

Kenneth H. Taylor

1 out underneath something if it was covered. If  
2 there was a shirt from one of the schools  
3 underneath other shirts, I pulled it out so you  
4 could see it. I think that's it.

5 Q. Let's go to 1727, 1731, 1732, 1733 and  
6 1734. I'm going to mark as Exhibit Number 333  
7 full-size versions of each of those.

8 (OPPOSER'S EXH. 333, Champs Sports  
9 photographs, was marked for identification.)

10 BY MR. ADLER:

11 Q. What are these photographs of?

12 A. They are photographs of the Champs  
13 store in the Four Seasons Town Centre Mall in  
14 Greensboro and merchandise inside that store.

15 Q. And do you remember visiting that  
16 store?

17 A. I do.

18 Q. Looking at the second page, how does  
19 that compare to your recollection of how that  
20 merchandise was displayed in the Champs store in  
21 that mall?

22 A. This is how I recall it being  
23 displayed.

24 Q. Turning to the last two pages in this  
25 exhibit, actually I think you just testified to

Kenneth H. Taylor

1 this, but how was this merchandise displayed?

2 A. These were on the same circular rack.  
3 My recollection was that they were not right next  
4 to each other on the same circular rack, but they  
5 were on the same circular rack and I just turned  
6 them sideways so that I could get them both in the  
7 same picture.

8 Q. Was there any labeling on the rack to  
9 indicate which schools were where in the  
10 collection?

11 A. No, it was just like a -- it was either  
12 a sale rack or an overrun rack or something, it was  
13 not a -- the only thing that might have been marked  
14 was sizes.

15 MR. ADLER: Move to admit Exhibit 333.

16 MR. PATTERSON: No objection.

17 BY MR. ADLER:

18 Q. Bringing your attention to 1735, 1736  
19 and 1737. I'm going to mark as Exhibit 334 a  
20 full-size version of each of those photos.

21 A. What's the numbers again, 17 --

22 Q. 1735, 1736 and 1737.

23 A. Okay.

24 (OPPOSER'S EXH. 334, Lids photographs,  
25 was marked for identification.)

Kenneth H. Taylor

1 BY MR. ADLER:

2 Q. What are these photos of?

3 A. These photos are of the Lids store in  
4 the Town Centre Mall in Greensboro and the  
5 merchandise inside of that store.

6 Q. Do you remember visiting the Lids store  
7 in the Town Centre Mall in Greensboro?

8 A. I do remember that.

9 Q. And if you'd take a look at these  
10 photographs, how did these photographs compare to  
11 your recollection of the Lids store in the Town  
12 Centre Mall in Greensboro?

13 A. They are what I recall taking pictures  
14 of in that store.

15 Q. And turning to the second page --

16 A. Which number is that?

17 Q. That would be 1742.

18 A. 36?

19 Q. Sorry, 1736. It's the picture that has  
20 the blue devil in the middle of it.

21 A. Okay.

22 MR. PATTERSON: I think it's actually  
23 35 if I'm not mistaken.

24 MR. ADLER: I apologize for not having  
25 that --

Kenneth H. Taylor

1                   MR. PATTERSON: No, that's okay. I  
2                   want to make sure we're all on the same page.

3                   MR. ADLER: -- the numbers on the  
4                   blow-ups, the full sizes.

5                   MR. McELWAIN: Yeah, Lids is 1737.

6                   MR. ADLER: 1737. You're correct. So  
7                   1735.

8                   BY MR. ADLER:

9                   Q.    Is that a -- well, how does that  
10                   compare to your recollection of how merchandise was  
11                   displayed in that Lids store?

12                  A.    That's how I recall it being displayed.

13                  Q.    Did you move any of the merchandise in  
14                   this store?

15                  A.    I did not.

16                  Q.    And the photographs will speak for  
17                   themselves so I'm sure that I'm going to get an  
18                   objection but nevertheless. In terms of the sort  
19                   of organization of merchandise with merchandise  
20                   from various schools mixed together, how common was  
21                   that in your travels of 130-some-odd stores you  
22                   visited, what percentage would you estimate?

23                  MR. PATTERSON: Objection, leading,  
24                   calls for expert testimony, foundation.

25                  BY MR. ADLER:

Kenneth H. Taylor

1           Q.    Based on your travels through 134  
2   stores, what percentage would you estimate were  
3   organized in this manner?

4           MR. PATTERSON:  Same objection, calls  
5   for speculation.

6           THE WITNESS:  Answer?  I would say  
7   about 85, 90 percent, something in that area.

8   BY MR. ADLER:

9           Q.    Were there stores that were organized  
10   with the merchandise from individual schools  
11   grouped together?  Let me see if I can make that a  
12   little more clear.

13                Were there stores in which there were  
14   hats and shirts that were from one school and they  
15   were visually separated from hats or shirts or  
16   other merchandise from another school?

17           MR. PATTERSON:  Objection, leading.

18           THE WITNESS:  Yes, there were.

19   BY MR. ADLER:

20           Q.    Which stores -- can you recall which  
21   stores were organized in that manner?

22           A.    I recall that I think all of the Dick's  
23   stores were organized that way.  There were Steve &  
24   Barry's stores that had parts of their store  
25   organized that way.  There was a -- I'd have to



## Kenneth H. Taylor

1 look at the pictures, but I think it's a Tailgaters  
2 store in the Discovery Mall in Atlanta that was  
3 organized that way.

4 Q. When you gave your 85 to 90 percent,  
5 did that include those stores or not?

6 A. Yes, it did.

7 Q. So would those stores fall in the 85 to  
8 90 percent or the 10 to 15 percent?

9 A. The stores that separated their  
10 merchandise by store would fall in the smaller  
11 percentage.

12 MR. ADLER: Let's go off the record.

13 (Off-the-record conference.)

14 BY MR. ADLER:

15 Q. Going back to the 334.

16 A. I'm sorry, which one?

17 Q. Exhibit 334, that's the --

18 A. Got it.

19 Q. -- Lids. Can you identify the source  
20 of the hat in the upper left-hand corner of the --  
21 what I believe is 1735?

22 A. Yes.

23 Q. And what is the source of that USC hat?

24 A. It's a Southern California hat.

25 Q. And can you identify the source of the

Kenneth H. Taylor

1 hat in the lower right-hand corner of that  
2 photograph?

3 A. Yes.

4 Q. What's the source of that hat?

5 A. South Carolina.

6 Q. Was it -- let me ask it in a nonleading  
7 way. What was your experience in terms of whether  
8 it was usual or unusual to find merchandise from  
9 the University of Southern California in proximity  
10 to merchandise from the University of South  
11 Carolina in the same retail store?

12 MR. PATTERSON: Objection, leading.

13 THE WITNESS: Answer? It was -- when  
14 they were both in the same store, it was fairly  
15 common.

16 BY MR. ADLER:

17 Q. And when they were both in the same  
18 store, would your photographs reflect that they  
19 were both in the same store?

20 A. Yes.

21 MR. PATTERSON: Objection, leading.

22 BY MR. ADLER:

23 Q. Turning to the same page -- or same  
24 exhibit, the photo in 1736, the first hat -- I  
25 don't quite know how to describe that position.

Kenneth H. Taylor

1 The hat -- I would say the red hat with the white  
2 piping but even that doesn't describe it. The  
3 first complete hat in the upper right-hand corner  
4 of that photograph, do you see that hat?

5 A. Yes.

6 Q. What are the colors on that hat?

7 A. A red and white.

8 Q. How usual or unusual was it to find  
9 merchandise from a collegiate -- during your trip,  
10 visiting your hundred-and-some-odd stores, how  
11 usual or unusual was it to find University of South  
12 Carolina merchandise that did not have black as  
13 part of the merchandise?

14 MR. PATTERSON: Objection, leading,  
15 foundation.

16 THE WITNESS: It was common.

17 BY MR. ADLER:

18 Q. And how common or uncommon was it to  
19 find University of South Carolina merchandise that  
20 did not have red?

21 MR. PATTERSON: Objection, leading,  
22 foundation.

23 THE WITNESS: Fairly common.

24 MR. ADLER: Let's go off the record.

25 (Off-the-record conference.)

Kenneth H. Taylor

1 BY MR. ADLER:

2 Q. Going to Number 19 on the index and  
3 drawing your attention to 1779, 1781, 1782 and  
4 1784.

5 MR. ADLER: And I'm going to provide  
6 the witness with a premarked exhibit marked 305  
7 that is a full-size version of each of the  
8 photographs I just identified.

9 (OPPOSER'S EXH. 305, Wal-Mart  
10 photographs, was previously marked for  
11 identification.)

12 BY MR. ADLER:

13 Q. Do you recognize these photographs?

14 A. Yes, I do.

15 Q. What are these photographs of?

16 A. The Wal-Mart store in High Point, North  
17 Carolina and merchandise inside that store.

18 Q. And do you recall visiting the Wal-Mart  
19 store in High Point, North Carolina?

20 A. I do.

21 Q. And how do these photographs compare  
22 with your recollection of the High Point store  
23 in -- of the Wal-Mart store in High Point, North  
24 Carolina?

25 A. They are what I --

Kenneth H. Taylor

1 MR. PATTERSON: Objection, leading.

2 BY MR. ADLER:

3 Q. You can answer.

4 A. They are what I recall.

5 Q. Was there other collegiate-branded  
6 merchandise in the High Point store in High Point,  
7 North Carolina?

8 A. I don't recall there being any other  
9 collegiate-branded merchandise.

10 MR. ADLER: Move to admit Exhibit 305.

11 MR. PATTERSON: No objection.

12 BY MR. ADLER:

13 Q. Drawing your attention to Number 40 on  
14 the index.

15 MR. PATTERSON: What are you talking  
16 about, 1740 or --

17 MR. ADLER: Yeah, see the index has  
18 numbers before each of the labels and particularly  
19 to 1925 and 1926 in terms of which photos. And I'm  
20 going to provide the witness with a full-size  
21 version of each of those two photos which have been  
22 previously marked as Exhibit 307.

23 (OPPOSER'S EXH. 307, J. C. Penney  
24 photographs, was previously marked for  
25 identification.)

Kenneth H. Taylor

1 previously marked as Exhibit 306.

2 THE WITNESS: Thank you.

3 (OPPOSER'S EXH. 306, Lids photographs,  
4 was previously marked for identification.)

5 MR. ADLER:

6 Q. What are these photographs of?

7 A. This is the Lids store in the Augusta  
8 Mall, Augusta, Georgia, and the merchandise inside  
9 the store.

10 Q. How does the -- how do these  
11 photographs compare to your recollection of the  
12 Lids store?

13 A. It's what I recall.

14 Q. Drawing your attention actually to the  
15 outside of the Lids store, you can see the  
16 arrangement of the merchandise. How does that  
17 photograph correspond to your recollection of what  
18 the Lids store looked like when you visited?

19 A. It's what I recall.

20 Q. And on the next page, the two hats that  
21 are in the middle of the page, do you recognize the  
22 source of the middle hat on the left?

23 A. South Carolina.

24 Q. And the source of the middle hat on the  
25 right?

Kenneth H. Taylor

1 THE WITNESS: Thanks.

2 BY MR. ADLER:

3 Q. What are these photographs of?

4 A. This is the J. C. Penney store in the  
5 Rock Hill Mall -- or the Rock Hill Galleria, Rock  
6 Hill, South Carolina, and the merchandise inside  
7 there.

8 Q. Do you recall visiting that J. C.  
9 Penney store?

10 A. I do.

11 Q. And how does this compare to your  
12 recollection of that store?

13 A. It's what I recall.

14 Q. And is that how merchandise -- is that  
15 how you recall merchandise being organized in that  
16 J. C. Penney store?

17 A. Yes, that's how I recall it.

18 MR. ADLER: Move to admit Exhibit 307.

19 MR. PATTERSON: No objection.

20 BY MR. ADLER:

21 Q. Drawing your attention to Number 53 on  
22 the index and particularly 1993 and 1994.

23 MR. ADLER: Providing the witness with  
24 photographs that were previously marked -- I'm  
25 sorry, full-size photographs of those two that were

Kenneth H. Taylor

1           A.    Southern California.

2           Q.    Did you move any of the merchandise in  
3   this store?

4           A.    I did not.

5           Q.    How does that compare to your  
6   recollection of how the merchandise was organized  
7   when you entered the store?

8           A.    It's as I recall.

9           MR. ADLER:   Move to enter Exhibit 306.

10          MR. PATTERSON:  No objection.

11          MR. ADLER:  Let's go off the record.

12          (Off-the-record conference.)

13   BY MR. ADLER:

14          Q.    Going to Number 62 -- no, 63.  Drawing  
15   your attention to Photographs 2061, 2062, 2063,  
16   2066, 2067, 2070 and 2073.

17          MR. ADLER:  Let's mark as Exhibit 335  
18   full-size photographs of each of the photographs I  
19   just identified.

20          (OPPOSER'S EXH. 335, Sports Moments &  
21   Memories photographs, was marked for  
22   identification.)

23   BY MR. ADLER:

24          Q.    What are -- do you recognize the  
25   subject of these photographs?



Kenneth H. Taylor

1           A.    Yes, this is the Sports Moments and  
2    Memories store at the Discovery Mills Mall (sic)  
3    outside of Atlanta, Georgia. Lawrenceville is the  
4    city.

5           Q.    And do you recall visiting the Sports  
6    Moments and Memories store at the Discovery Mills  
7    Mall outside of Atlanta, Georgia?

8           A.    Yes, I do.

9           Q.    And how do these photographs correspond  
10   to your memory of how merchandise was displayed at  
11   that store?

12          A.    This is what I recall.

13          Q.    Asking you to turn your attention to  
14   the picture of the T-shirts.

15          A.    2066?

16          Q.    I'll take your word for it.

17          A.    This picture?

18          Q.    Yes, for the record --

19          A.    It's 2066, I think.

20          Q.    -- since the board does not have the  
21   advantage of seeing what you're pointing at, it's  
22   the one with T-shirts in Plexiglas displays.

23          A.    Yeah.

24          Q.    How does that compare with how that  
25   merchandise -- how does that photograph compare

## Kenneth H. Taylor

1 with your recollection of how the merchandise was  
2 displayed when you entered the Sports Moments and  
3 Memories store?

4 A. That's what I recall.

5 Q. Did you move any of that merchandise?

6 A. I did not.

7 Q. Turning to the page with the mugs.

8 A. Okay.

9 Q. How does that -- how does that display  
10 correspond to your recollection of how the mugs  
11 were displayed at the Sports Moments and Memories  
12 store?

13 A. It's what I recall.

14 Q. Turning to the next page in the exhibit  
15 which is a wall of hats and trash cans. How does  
16 that picture correlate to what you recall of the  
17 Sports Moments and Memories store?

18 A. It's what I recall.

19 Q. Did you have any interaction with the  
20 staff at Sports Moments and Memories?

21 A. Yes, I talked to them.

22 Q. And were they helpful in assisting you  
23 to find collegiate merchandise from the University  
24 of Southern California and the University of South  
25 Carolina?

Kenneth H. Taylor

1           A.    Yes.

2                   MR. PATTERSON:  Objection, leading.

3   BY MR. ADLER:

4           Q.    Let me ask, did they make any  
5   observations about that merchandise?

6                   MR. PATTERSON:  Objection, hearsay.

7                   THE WITNESS:  I don't recall what  
8   observations they made.

9   BY MR. ADLER:

10          Q.    Earlier when you were talking about the  
11   places you visited, you mentioned that you visited  
12   certain -- let me rephrase that.  And again, the  
13   testimony is what it is so I'm not attempting to  
14   characterize it.

15                   But you said that you had gone on one  
16   particular five-day trip and you had also stopped  
17   in stores when you were otherwise traveling, is  
18   that roughly correct?

19          A.    That's right.

20          Q.    And you mentioned the RDU store -- the  
21   ACC store at the Raleigh-Durham Airport.

22          A.    Yes.

23          Q.    Were there other places that you  
24   stopped during your travels?

25          A.    Outside of the five-day trip?

## Kenneth H. Taylor

1 Q. Yes.

2 A. Yes, I went to Glendale, California,  
3 San Diego, California, Dallas -- I can't remember  
4 the terminal, but I think it was B Terminal at the  
5 Dallas-Fort Worth Airport, Miami, one of the  
6 terminals in the Miami Airport.

7 Q. And did you follow the same procedure  
8 in terms of taking photographs?

9 A. There weren't anything that -- I  
10 didn't -- there wasn't anything to take a  
11 photograph of. But yes.

12 Q. Well, let me see if I can separate  
13 these.

14 A. Okay.

15 Q. Did you follow the same procedure when  
16 you went to Glendale?

17 A. Yes.

18 Q. And were there things to take photos of  
19 in Glendale?

20 A. Yes.

21 Q. Did you follow the same procedure when  
22 you were in San Diego?

23 A. Yes.

24 Q. And were there things to take  
25 photographs of in San Diego?

Kenneth H. Taylor

1 A. Yes.

2 Q. Did you follow the same procedure when  
3 you were in Dallas?

4 A. Yes.

5 Q. And was there anything to take  
6 photographs of in Dallas?

7 A. No.

8 Q. Did you follow the same procedure in  
9 the Miami Airport?

10 A. Yes.

11 Q. And was there anything to take  
12 photographs of in the Miami Airport?

13 A. No.

14 MR. ADLER: Let's go off the record.

15 (Off-the-record conference.)

16 MR. ADLER: Let's go back on the  
17 record.

18 BY MR. ADLER:

19 Q. I'm going to mark as Exhibit 336  
20 full-size photos of 1741, 1742 and 1743 on the  
21 index.

22 (OPPOSER'S EXH. 336, Foot Locker  
23 photographs, was marked for identification.)

24 BY MR. ADLER:

25 Q. And pursuant to a conversation off the

Kenneth H. Taylor

1 record, I'm going to ask you what we call -- what  
2 we were going to call the standard set of questions  
3 for each of these photographs.

4 The first of the standard set of  
5 questions is -- well, before we get to the standard  
6 set of questions, what is this a picture of?

7 A. The Foot Locker store in the Four  
8 Seasons Town Centre in Greensboro.

9 Q. And the first of the standard set of  
10 questions is: Do you recall visiting the store you  
11 just identified?

12 A. Yes.

13 Q. How do the -- second of the standard  
14 set of questions is: How do the pictures  
15 correspond to your recollection of your visit to  
16 that store?

17 A. It's what I recall.

18 Q. The third is: How do the pictures of  
19 the merchandise correspond to your recollection of  
20 how the merchandise was displayed when you entered  
21 that store?

22 MR. PATTERSON: Objection. You've got  
23 to limit it a little bit.

24 MR. ADLER: Okay, let's make that --  
25 because this is going to be a standard question,

Kenneth H. Taylor

1 let's make it very clear.

2 MR. PATTERSON: Right.

3 MR. McELWAIN: Right.

4 BY MR. ADLER:

5 Q. How do the pictures of the merchandise  
6 in those photographs correspond to your  
7 recollection of how merchandise was displayed in  
8 that store when you entered it?

9 A. It's what I recall.

10 Q. Did you move the merchandise in that  
11 store?

12 A. I did. I moved the USC shirt that's  
13 under here up here so you could see the picture of  
14 it.

15 MR. McELWAIN: Mike, can we go off the  
16 record? I'm sorry.

17 MR. ADLER: Sure.

18 (Off-the-record conference.)

19 BY MR. ADLER:

20 Q. To clarify the standard question, the  
21 standard question is: How does the merchandise in  
22 the specific photograph correspond to your  
23 recollection of how that specific merchandise was  
24 displayed when you entered the store?

25 A. It's what I recall.

Kenneth H. Taylor

1           Q.    And the next standard question is: Did  
2    you move it? And in this case, I think you  
3    indicated that you had.

4           A.    Yes. I moved the black USC shirt out  
5    from under the, I think, Louisville Cardinals  
6    shirts, I believe, so that you could see it. You  
7    can see it in the other photograph of where it was  
8    before I moved it.

9           MR. ADLER: Move to admit Exhibit 336.

10          MR. PATTERSON: No objection.

11   BY MR. ADLER:

12          Q.    Drawing your attention to Number 15 and  
13    specifically 1762, 1763, 1764, 1765 and 1766.

14          A.    Okay.

15          Q.    And I am marking a full-size version of  
16    those photographs as Exhibit 337.

17                (OPPOSER'S EXH. 337, Steve & Barry's  
18    University Sportswear photographs, was marked for  
19    identification.)

20   BY MR. ADLER:

21          Q.    What is this a picture of?

22          A.    This is a picture of a Steve and  
23    Barry's store in Oak -- Oak Hollow Mall in High  
24    Point, North Carolina, and the merchandise inside  
25    that I took pictures of.



Kenneth H. Taylor

1           Q.    Just for the record, the answer to the  
2   standard questions that would be -- I want to be  
3   clear so that there's no confusion. My question to  
4   you is basically: Does this fit in all the  
5   standard questions?

6           MR. ADLER: And because the first one I  
7   asked the standard questions on we got an atypical  
8   answer, I think we should agree on what the witness  
9   will tell us if there's something different, which  
10   is --

11   BY MR. ADLER:

12           Q.    -- we will assume unless you say  
13   otherwise that you remember the store and that this  
14   is an accurate reflection of what you recall from  
15   the store and that as to the specific merchandise  
16   reflected in the photographs, this is a reflection  
17   of what you recall that merchandise looking like  
18   when you entered the store and finally, that you  
19   didn't move the merchandise.

20           A.    Okay.

21           Q.    Are those assumptions correct as to  
22   this exhibit?

23           A.    That's correct.

24           MR. ADLER: Move to admit 337.

25           MR. McELWAIN: No objection.

Kenneth H. Taylor

1 BY MR. ADLER:

2 Q. Drawing your attention to Number 23 in  
3 the index and particularly 1804, 1805 and 1806 and  
4 I'm going to mark full-size versions of those  
5 photographs as 338.

6 (Off-the-record conference.)

7 (OPPOSER'S EXH. 338, Hat World  
8 photographs, was marked for identification.)

9 BY MR. ADLER:

10 Q. What is this a photograph of?

11 A. This does not match what's on 1804,  
12 1805 and 1806.

13 Q. You're right, it doesn't. I had missed  
14 a whole page. I apologize for that.

15 MR. ADLER: Let the record reflect that  
16 Exhibit 338 is, in fact, a full-size version of  
17 1770, 1772, 1773 and 1774.

18 BY MR. ADLER:

19 Q. Is that correct?

20 A. Yes.

21 Q. What are these photographs of?

22 A. This is the Hat World store in Oak  
23 Hollow Mall in High Point, North Carolina.

24 Q. And if I asked you the standard  
25 questions, would there be any atypical answer?

Kenneth H. Taylor

1           A.    No.

2           Q.    Well, let me ask, did you move any of  
3   the merchandise in that store?

4           A.    I did not.

5           MR. ADLER:   Move to admit 338.

6           MR. PATTERSON:   No objection.

7           (OPPOSER'S EXH. 339, Sports Fan-Attic  
8   photographs, was marked for identification.)

9   BY MR. ADLER:

10          Q.    Going now to 1804, 1805 and 1806, which  
11   is 339, not 338.  What are these photographs of?

12          A.    The Sports Fan-Attic in Hanes Mall in  
13   Winston-Salem, North Carolina.

14          Q.    And if I ask you the standard  
15   questions, is there anything unusual or different  
16   about these photographs?

17          A.    No, there is not.

18          MR. ADLER:   Move to admit 339.

19          MR. PATTERSON:   No objection.

20          MR. McELWAINE:   Could we go off the  
21   record?

22          (Off-the-record conference.)

23          MR. ADLER:   Off the record we've had a  
24   discussion with counsel on how to handle the volume  
25   of these and with the exception of certain ones

Kenneth H. Taylor

1     that the photo index does not -- the checkmarks on  
2     the photo index do not reflect the photographs in  
3     the exhibits, we are simply going to ask the  
4     witness to review the exhibits in bulk and I am  
5     going to move those exhibits in in bulk. And  
6     counsel have agreed from South Carolina that they  
7     are reserving objections as to hearsay and  
8     relevance but otherwise unless specifically  
9     identified at the end of this process will not be  
10    objecting to the entry of the exhibits in bulk, is  
11    that correct?

12               MR. McELWAIN: Well, I mean, we want  
13    the ability to object to hearsay and relevance  
14    obviously --

15               MR. ADLER: Correct.

16               MR. McELWAIN: -- later on in the  
17    brief so that's --

18               MR. ADLER: Right. You're reserving  
19    those objections.

20               MR. McELWAIN: Right, we're reserving.

21    BY MR. ADLER:

22               Q. Directing your attention to Number 2,  
23    and particularly Photographs -- oh, no, strike  
24    that.

25               Directing your attention to Number 78

Kenneth H. Taylor

1 and particularly Photographs 2170 and 2171.

2 MR. ADLER: Mark that as -- mark those  
3 full-size versions of those as Exhibit 341.

4 (Off-the-record conference.)

5 (OPPOSER'S EXH. 341, Lids photographs,  
6 was marked for identification.)

7 MR. ADLER: And just to explain, we are  
8 going through this exhibit because it was not one  
9 that we previously intended to introduce so it's  
10 not checked off on the Marksmen photo index.

11 BY MR. ADLER:

12 Q. What is Exhibit 341?

13 A. It is the Lids store in Northgate Mall  
14 in Durham, North Carolina, and the merchandise  
15 inside the store.

16 Q. In terms of the standard questions, is  
17 there anything different about these photographs?

18 A. No.

19 MR. ADLER: Move the admission of 341.

20 MR. PATTERSON: No objection.

21 BY MR. ADLER:

22 Q. Directing your attention to Photos 2209  
23 and 2211, which are not on the index, and marking  
24 full-size versions of those photographs as Exhibit  
25 342.

Kenneth H. Taylor

1 (OPPOSER'S EXH. 342, Lids photographs,  
2 was marked for identification.)

3 BY MR. ADLER:

4 Q. What do these photographs reflect?

5 A. This is the Lids store in the Glendale  
6 Galleria, Glendale, California.

7 Q. And if I ask you the same questions --  
8 the standard questions about these photographs, is  
9 there anything unusual about them?

10 A. No.

11 MR. ADLER: Move to admit 342.

12 MR. PATTERSON: No objection.

13 BY MR. ADLER:

14 Q. Turning in the index to Number 25. I'm  
15 going to mark as full-size -- sorry, as Exhibit 343  
16 full-size versions of 1816, 1817, 1818, 1819 and  
17 1820, starting with 1816 as the exhibit.

18 (OPPOSER'S EXH. 343, Lids photographs,  
19 was marked for identification.)

20 BY MR. ADLER:

21 Q. What is Exhibit 343?

22 A. The Northgate Lids store in Charlotte,  
23 North Carolina, and the merchandise inside the  
24 store.

25 Q. And if I ask you the standard

Kenneth H. Taylor

1 questions, is there anything unusual about the  
2 photographs in 343?

3 A. No, there is not.

4 MR. ADLER: Move to admit 343.

5 MR. PATTERSON: No objection.

6 BY MR. ADLER:

7 Q. Finally drawing your attention to  
8 Number 28, I'd like to mark as Exhibit 344  
9 full-size versions of 1840, 1842, 1843 and 1844 so  
10 we've added 1843.

11 (OPPOSER'S EXH. 344, Pro Image  
12 photographs, was marked for identification.)

13 BY MR. ADLER:

14 Q. And what is Exhibit 344?

15 A. It's the Pro Image store in Northlake  
16 Mall in Charlotte, North Carolina and merchandise  
17 inside the store.

18 Q. And drawing your attention to the third  
19 picture -- well, let me first ask you are there  
20 any -- if I ask you the standard questions, is  
21 there anything unusual?

22 A. No, there's not.

23 Q. Drawing your attention to the third  
24 picture. What is that a photograph of?

25 A. Is that a close-up of the monotone

## Kenneth H. Taylor

1 South Carolina has? Is that the one you're  
2 referring to?

3 Q. Yes.

4 A. It's a close-up of the dark-colored  
5 monotone South Carolina SC hat.

6 Q. What color -- when you say dark  
7 colored, can you describe what color it was.

8 A. It was grayish black.

9 Q. And what color is the insignia?

10 A. Same color, kind of faded at the  
11 bottom.

12 Q. Looking at the proof sheet, which is  
13 Exhibit 328, did you take all of these photographs?

14 A. Yes, I did.

15 Q. And were they true and accurate  
16 reflections of the subjects of those photographs?

17 A. Yes, they were.

18 MR. ADLER: Move the admission of 328.

19 MR. PATTERSON: No objection.

20 BY MR. ADLER:

21 Q. And looking at the index leaving aside  
22 the checkmarks and the handwriting, is this a true  
23 and accurate reflection of the index created by  
24 your camera when you took these photographs?

25 A. Yes, it is.



Kenneth H. Taylor

1 MR. ADLER: Move to admit 329.

2 MR. PATTERSON: Preserve objections  
3 with regard to the handwriting, but otherwise no  
4 objection.

5 MR. ADLER: Let's go off the record to  
6 allow the witness to review the remaining exhibits  
7 so we can deal with them in bulk.

8 (Off-the-record conference.)

9 (OPPOSER'S EXH. 340, Foot Locker  
10 photographs, was marked for identification.)

11 MR. ADLER: So we had Mr. Taylor go  
12 through some of the other exhibits that we had  
13 identified to bring you today and some of them do  
14 involve merchandise that's been moved so we'll do  
15 those as separate individual exhibits and then the  
16 remaining samples we will do as one big bulk  
17 exhibit.

18 BY MR. ADLER:

19 Q. And let's start with Exhibit Number  
20 340, which is Pictures 1811, 1812 and 1813.  
21 Mr. Taylor, what is this?

22 A. Hold on one second, please. These are  
23 pictures of the Foot Locker in the Hanes Mall in  
24 Winston-Salem, North Carolina.

25 Q. And aside from whether any of them had

Kenneth H. Taylor

1     been moved, is there anything unusual about these  
2     photographs in terms of the standard questions?

3             A.     No.

4             Q.     Has -- what has been moved in these  
5     photographs?

6             A.     The photo of the Carolina Gamecocks  
7     shirt, 1813, was turned out from a rack so I could  
8     photograph it.

9             Q.     Was there any identifying mark on the  
10    rack other than -- well, what identifying marks  
11    were there on the rack?

12            A.     Just size of the shirts.

13            MR. ADLER:   Move to admit Exhibit 340.

14            MR. PATTERSON:   No objection.

15            (OPPOSER'S EXH. 345, Champs Sports  
16    photographs, was marked for identification.)

17    BY MR. ADLER:

18            Q.     Marked as Exhibit 345, directing your  
19    attention to Number 29 and specifically 1851, 1852  
20    and 1853.   What are these photographs of?

21            A.     A Champs store in Eastland Mall in  
22    Charlotte, North Carolina.

23            Q.     And other than whether anything has  
24    been moved, is there anything unusual about these  
25    photos in terms of the standard questions?

## Kenneth H. Taylor

1           A.    No.

2           Q.    And what has been moved?

3           A.    The shirts were folded out to take a  
4   picture of them and I can't recall if I did it or a  
5   store person did it, but one of us did it.

6           Q.    So it just -- so that I understand,  
7   they were previously folded and on shelves?

8           A.    Yes.

9           Q.    And you pulled them out.  And you  
10   pulled out both the Carolina and the USC Trojans  
11   shirt?

12          A.    Yeah, I did or one of the store people  
13   did.

14               MR. ADLER:  Move to admit Exhibit 345.

15               MR. PATTERSON:  No objection.

16               (OPPOSER'S EXH. 346, Foot Locker  
17   photographs, was marked for identification.)

18   BY MR. ADLER:

19          Q.    Directing your attention to Number 38  
20   and specifically 1913 and 1918 marked as Exhibit  
21   346, full-size versions of 1913 and 1918.

22          A.    This is the Foot Locker in the Rock  
23   Hill Galleria in Rock Hill, South Carolina.

24          Q.    And other than whether something has  
25   been moved in terms of the standard questions, is

Kenneth H. Taylor

1       there anything unusual about this?

2               A.    No.

3               Q.    What was moved?

4               A.    I pulled the black USC shirt out below  
5       the Gamecock shirt so you could photograph it.

6               Q.    And what -- the black USC shirt, was  
7       there any other mark on the black USC shirt?

8               A.    I think there was a Trojan logo.

9               Q.    And do you recall what institution  
10       sponsored that particular USC shirt?

11              A.    Southern California.

12                   MR. ADLER:   Move to admit Exhibit 346.

13                   MR. PATTERSON:  No objection.

14                   (OPPOSER'S EXH. 348, Player's  
15       photographs, was marked for identification.)

16       BY MR. ADLER:

17              Q.    Directing your attention to Number 62,  
18       and particularly 2055, 2057, 2058 and 2059.  I have  
19       marked as Opposer's Exhibit Number 348 full-size  
20       versions of those photographs.  Take a look at  
21       that, please.  What are the photos of?

22              A.    This is the Player's store in Northlake  
23       Mall in Atlanta, Georgia.

24              Q.    Aside from anything that had been  
25       moved, is there anything unusual about these

Kenneth H. Taylor

1       photographs in terms of the standard questions?

2               A.     No.

3               Q.     What's been moved?

4               A.     The sales clerk pulled the Trojan  
5       baseball jersey from the rack that was behind him  
6       where you could see the Jackson jersey. My  
7       recollection on the Carolina shirt was that it was  
8       on the end rack there.

9               Q.     So your recollection is that the  
10      Carolina shirt was not moved?

11              A.     Correct.

12              MR. ADLER: Move to admit 348.

13              MR. PATTERSON: No objection.

14              MR. ADLER: Go off the record for a  
15      second.

16                     (Off-the-record conference.)

17                     (OPPOSER'S EXH. 347, Champs Sports  
18      photographs, was marked for identification.)

19              MR. ADLER: Back on the record.

20      BY MR. ADLER:

21              Q.     Drawing your attention to Number 44 and  
22      specifically Photographs 1938 and 1943. I have  
23      marked as Opposer's Exhibit 347 full-size versions  
24      of those two photographs. Can you tell me what  
25      those are.

Kenneth H. Taylor

1           A.    This is the Champs in Columbia Place  
2   Mall in Columbia, South Carolina.

3           Q.    And aside from the question of whether  
4   anything was moved, is there anything unusual about  
5   these photographs in terms of the standard  
6   questions?

7           A.    No.

8           Q.    And what was moved?

9           A.    I pulled the USC shirt with the Trojan  
10   on it out from under a stack of other shirts.

11           MR. ADLER:   Move to admit Exhibit 347.

12           MR. PATTERSON:   No objection.

13           (OPPOSER'S EXH. 349, Miscellaneous  
14   store photographs, was marked for identification.)

15   BY MR. ADLER:

16           Q.    We have marked as Exhibit 349 a  
17   collection of additional photographs.  I'm not  
18   going to specifically identify them by number, they  
19   are in the proof sheet so that information is  
20   available on the record.  If you would look at 349,  
21   I believe during the break you reviewed these  
22   photographs.

23           A.    Do I need to look at them all through  
24   again?

25           Q.    Well, just quickly to make sure these

Kenneth H. Taylor

1 are the photographs you reviewed during the break.

2 A. Yes, these are the photographs I looked  
3 through during the break.

4 Q. In terms of the standard questions, is  
5 there anything unusual about the photographs in  
6 349?

7 A. No, there's not.

8 MR. ADLER: Move to admit Exhibit  
9 249 -- or 349.

10 MR. PATTERSON: 349? No objection.

11 MR. ADLER: Other than the objections  
12 reserved?

13 MR. PATTERSON: Right.

14 MR. ADLER: I have no further  
15 questions.

16 MR. PATTERSON: Okay.

17 CROSS-EXAMINATION

18 BY MR. PATTERSON:

19 Q. Mr. Taylor, my name is Matt Patterson.  
20 I'm here to ask you some questions today. A couple  
21 things you mentioned that I want to go back to.  
22 Number 1 is that you mentioned some notes.

23 What were those notes of?

24 A. They were taken after a visit to each  
25 store.

Kenneth H. Taylor

1           Q.    And I believe you mentioned that you  
2   took pictures in roughly 80 stores but you visited  
3   135 stores, is that correct?

4           A.    That's right.

5           Q.    So your notes would have covered all  
6   135 stores, is that right?

7           A.    That's correct.

8                   (APPLICANT'S EXH. 3, Photograph of a  
9   hat, was previously marked for identification.)

10          BY MR. PATTERSON:

11           Q.    I want to show you what's been marked  
12   previously as Applicant's Exhibit 3. Do you  
13   recognize that?

14           A.    Yes.

15           Q.    Tell me what that's a picture of.

16           A.    It's a picture of a dark hat with red  
17   lettering.

18           Q.    And do you know the source of that hat?

19           A.    South Carolina.

20           Q.    How do you know that?

21           A.    I've seen many of them over the course  
22   of several days.

23           Q.    Are you a sports fan?

24           A.    Yes, I am.

25           Q.    Did you recognize this as a South



Kenneth H. Taylor

1 Carolina hat before you undertook this case?

2 A. I did not.

3 Q. So you never -- if you'd have seen this  
4 hat on the street, you would have had no idea that  
5 it was a South Carolina hat?

6 A. I would believe that's  
7 correct.

8 (APPLICANT'S EXH. 1, Photograph of a  
9 Trojans hat, was previously marked for  
10 identification.)

11 (APPLICANT'S EXH. 2, Photograph of a  
12 hat, was previously marked for identification.)

13 BY MR. PATTERSON:

14 Q. Let me show you Applicant's Exhibit 2  
15 and Applicant's Exhibit 1.

16 A. Okay. Do you want me to hold on to  
17 these?

18 Q. Yes. Do you recognize Applicant's  
19 Exhibit 1 and 2?

20 A. Yes, I do.

21 Q. Tell me what those are pictures of.

22 A. They are pictures of baseball hats with  
23 SC logos on them.

24 Q. And in your time visiting 135 stores,  
25 it's true, is it not, that you never entered a

Kenneth H. Taylor

1 store which sold hats or apparel bearing the SC's  
2 as represented in Applicant's Exhibit 2 and 3 as  
3 well as the -- I'm sorry. Strike that, let me  
4 rephrase it.

5 It's true, is it not, in your visits to  
6 135 stores you never saw a store which sold hats  
7 and apparel which bore the SC marks in Applicant's  
8 Exhibit 1 and Applicant's Exhibit 2 in the same  
9 store where you saw hats and apparel which bore the  
10 SC mark in Applicant's Exhibit 3, is that right?

11 MR. ADLER: Objection, vague and  
12 ambiguous.

13 THE WITNESS: The -- that's true with  
14 the exception of one store where the SC was on the  
15 back, the Trojan SC was on the back, and that's  
16 that hat right there.

17 BY MR. PATTERSON:

18 Q. What store is that?

19 A. That was a -- may I look at the index  
20 real quick?

21 Q. Sure. This is a test.

22 A. It was the Pro Image store in the  
23 Columbiana Mall in Columbia.

24 Q. Do you have pictures of that?

25 A. I don't have a picture. Well, I have a

Kenneth H. Taylor

1 picture of the front of it.

2 Q. And the front of it does not have the  
3 SC mark on the back, is that right?

4 A. That's correct.

5 Q. So that's based purely on your  
6 recollection?

7 A. I purchased the hat.

8 Q. Okay. Tell me what instructions you  
9 were given by Mr. Adler or anybody with his firm  
10 when you undertook this project.

11 A. They gave me -- initially they said  
12 when I was traveling to see if I noticed any South  
13 Carolina or Southern California merchandise being  
14 sold in the store, if there was any stores that had  
15 both -- if there's any stores that had both with  
16 the SC logo for either school, any stores that had  
17 the SC logo on a cap and then any stores that sold  
18 collegiate merchandise that was mixed together side  
19 by side, however you want to phrase that.

20 Q. Did they actually show you copies of  
21 various logos from Southern California and South  
22 Carolina?

23 A. Yes, they showed me Exhibit 3 of --  
24 they showed me this one, which is Applicant's  
25 Exhibit 3, and then showed me Applicant's Exhibit

## Kenneth H. Taylor

1     2.

2             Q.    And after you undertook this  
3   assignment, I assume you were able to differentiate  
4   between the two hats, were you not?

5             A.    Yes.

6             Q.    You testified generally about your  
7   compensation. Tell me specifically how you were  
8   compensated for this assignment.

9             A.    175 an hour plus expenses.

10            Q.    And how about for your appearance here  
11   today, how are you being compensated?

12            A.    175 an hour.

13            Q.    And I assume they pay for your travel  
14   fees as well?

15            A.    Expenses, yeah.

16            Q.    I believe you testified earlier that in  
17   terms of the organization of apparel in the stores  
18   you visited, you estimated that 85 to 90 percent  
19   were organized in a mixed manner?

20            A.    Yes.

21            Q.    Does that sound about right?

22            A.    Yes.

23            Q.    I need you to be more specific about  
24   that. When you say organized in a mixed manner,  
25   what do you mean?

## Kenneth H. Taylor

1           A.    The merchandise was not organized by  
2    school in that all the apparel or goods that were  
3    sold were separated by school.  There would be  
4    hats, for example, from a variety of schools sold  
5    next to each other or on top of each other or in  
6    close proximity.

7           Q.    It's true, is it not, though, that  
8    those hats from different schools were still  
9    organized together based on regional or conference  
10   affiliations, is that right?

11          A.    I'm not sure that that's true.

12          Q.    So you don't know?

13          A.    I can look at what I photographed and  
14   answer that question.

15          Q.    Okay.  Why don't you look at what you  
16   photographed and tell me if you can answer that  
17   question.

18          A.    Okay.

19          Q.    Otherwise we can go through all the  
20   exhibits.

21          A.    I mean, it's a mix.  If you look at --  
22   for example, on the first page, 1677, it is  
23   organized by region.  If you look on the second  
24   page, 1748, you have Michigan, Carolina, Florida,  
25   so those are different conferences.

Kenneth H. Taylor

1 Q. My question is --

2 A. I'm sorry.

3 Q. -- is it fair to say that in a majority  
4 of the stores, at least those in which you took  
5 pictures, the brand or apparel is organized by  
6 conference or by regional location?

7 A. I'm not sure it's the majority.

8 Q. Okay. We'll start going through them  
9 one by one.

10 MR. ADLER: Object, the pictures speak  
11 for themselves.

12 MR. PATTERSON: I don't think the  
13 pictures say where the school's located, so I take  
14 exception to that, but your objection is certainly  
15 noted. Off the record for just a moment.

16 (Off-the-record conference.)

17 (APPLICANT'S EXH. 23, Field Of Dreams  
18 photographs, was marked for identification.)

19 BY MR. PATTERSON:

20 Q. I'm going to hand you Applicant's  
21 Exhibit Number 23. Can you identify what those two  
22 pictures are.

23 A. This is the Field Of Dreams store in  
24 the Glendale Galleria.

25 Q. Okay. The second picture?

Kenneth H. Taylor

1           A.    It's bumper stickers from professional  
2           and university -- professional teams of California  
3           and the University of Southern California.

4           Q.    So those are all California entities,  
5           is that fair to say?

6           A.    That's correct.

7           Q.    So those bumper stickers are arranged  
8           regionally, is that fair to say?

9           A.    Yes.

10                   (APPLICANT'S EXH. 24, Champs Sports  
11           photographs, was marked for identification.)

12           BY MR. PATTERSON:

13           Q.    Now I'm going to hand you what's been  
14           marked as Applicant's Exhibit Number 24. Can you  
15           identify those pictures for me, please.

16           A.    I believe these are the -- this is the  
17           Champs store in the Glendale Galleria.

18           Q.    And identify the second and third page  
19           of that exhibit for me, please.

20           A.    They are sweatshirts from USC, which is  
21           Southern California, and UCLA, which the University  
22           of Southern California in LA -- or the University  
23           of California-LA, and -- and the last page are rain  
24           slickers that have the same logos.

25           Q.    And USC being Southern California and

## Kenneth H. Taylor

1     UCLA are both in the Pacific-10 Atlantic  
2     Conference, is that right?

3             A.     That's correct.

4             Q.     And they're both located in Southern  
5     California, is that right?

6             A.     That's correct.

7             Q.     And, in fact, they're crosstown rivals,  
8     is that right?

9             A.     That's right.

10            (APPLICANT'S EXH. 25, Lids photographs,  
11     was marked for identification.)

12     BY MR. PATTERSON:

13            Q.     This is Applicant's Exhibit Number 25.  
14     Can you identify that for me, please.

15            A.     I believe this is the Lids in the  
16     Glendale Galleria.

17            Q.     And identify the second page of that  
18     for me, please.

19            A.     It is various hats, USC, Cal,  
20     University of North Carolina, Stanford, Texas.

21            Q.     And again, University of Southern  
22     California, Stanford and California are all West  
23     Coast schools, is that correct?

24            A.     That's correct.

25            Q.     And in this picture the University of



Kenneth H. Taylor

1 Southern California hat is directly above the  
2 University of California hat, is that right?

3 A. That's correct.

4 Q. How can you tell that's a University of  
5 Southern California hat?

6 A. I don't recall if I looked on the back  
7 of it, but it looks like the lettering of the USC  
8 hats that I've been shown.

9 Q. So you were able to differentiate it  
10 based on the appearance of the hat, is that right?

11 A. I think so, yes.

12 (APPLICANT'S EXH. 26, ACC photographs,  
13 was marked for identification.)

14 BY MR. PATTERSON:

15 Q. This is Applicant's Exhibit Number 26.  
16 Will you identify that for me, please.

17 A. This is the ACC store in the  
18 Raleigh-Durham Airport.

19 Q. So, in fact, this store, its entire  
20 premise is based on conference affiliation, is that  
21 right?

22 A. That's correct.

23 Q. If you'll look at the last two pages of  
24 that exhibit for me. In fact, the shirts and  
25 pennants represented there are all ACC schools?

Kenneth H. Taylor

1           A.    Yes, they are.

2                   (APPLICANT'S EXH. 27, J. C. Penney  
3   photographs, was marked for identification.)

4   BY MR. PATTERSON:

5           Q.    This is Applicant's Exhibit Number 27.  
6   If you can identify that for me, please.

7           A.    I believe this is the J. C. Penney  
8   store in SouthPoint Mall.

9           Q.    Okay. And where is SouthPoint Mall?

10          A.    It's in Durham, North Carolina.

11          Q.    If you'll look at the last two pages of  
12   that exhibit and just describe what you see for me.

13          A.    I see NC State and Duke jersey jackets  
14   in one photo and then Tarheel, Wolfpack, Duke and  
15   NC State hats above Carolina sweatshirts.

16          Q.    And those schools are all in the ACC,  
17   is that right?

18          A.    That's correct.

19          Q.    And they're all located in North  
20   Carolina, is that right?

21          A.    That's right.

22                   (APPLICANT'S EXH. 28, Finish Line  
23   photographs, was marked for identification.)

24   BY MR. PATTERSON:

25          Q.    This is Applicant's Exhibit Number 28.

Kenneth H. Taylor

1 If you can identify that store for me, please.

2 A. I believe this is the Finish Line store  
3 in SouthPoint Mall in Durham, North Carolina.

4 Q. Okay. And tell me what you see on the  
5 second page of that exhibit.

6 A. Wake Forest, NC State, Duke, Carolina  
7 towels and hats I think or shorts and hats or bags  
8 and hats I think.

9 Q. And again, these are all schools that  
10 are in the ACC, is that right?

11 A. That's correct.

12 Q. And they're all arranged together in  
13 this picture, is that right?

14 A. That's correct.

15 Q. And does that comport with your  
16 recollection of how things were arranged in this  
17 store?

18 A. For this part of the store, yes.

19 Q. Do you recall things were arranged  
20 differently in the other part of the store?

21 A. There were shirts that were arranged  
22 like other photographs that I've taken at Finish  
23 Line stores.

24 (APPLICANT'S EXH. 29, Omega Sports  
25 photographs, was marked for identification.)

Kenneth H. Taylor

1 BY MR. PATTERSON:

2 Q. This is Applicant's Exhibit Number 29.

3 Can you identify that store for me.

4 A. Omega Sports store in the New Hope  
5 Commons Shopping Center in Durham, North Carolina.

6 Q. Can you identify for me by page --  
7 strike that.

8 Look at each page and identify the  
9 pictures for me, please.

10 A. Yes, there's basketballs with NC State,  
11 North Carolina on one page. There's sweatshirts  
12 with Wake Forest, NC State logos. There are hats  
13 from Virginia Tech, Wake Forest, Carolina, North  
14 Carolina, and there are mints from NC State, Wake  
15 Forest, Virginia Tech. And I don't know this other  
16 school.

17 Q. If I told you that was East Carolina,  
18 would that sound right?

19 A. That's right. That's what it is.

20 Q. So these are all ACC schools except for  
21 the last page, which is a collection of mints which  
22 has East Carolina in there, is that right?

23 A. That's correct.

24 Q. And East Carolina is located in  
25 Greenville, North Carolina, is that right?

Kenneth H. Taylor

1           A.    I think that's right.

2                   (APPLICANT'S EXH. 30, Four Seasons/

3   J. C. Penney photographs, was marked for

4   identification.)

5   BY MR. PATTERSON:

6           Q.    This the Applicant's Exhibit Number 30.

7   Can you identify that store and mall for me,

8   please.

9           A.    It's the J. C. Penney in the Four

10   Seasons Mall at Greenboro -- Greensboro, North

11   Carolina. And it's -- it's Duke, South Carolina,

12   NC State T-shirts and NC State, Wake Forest, North

13   Carolina golf shirts.

14           Q.    And those are all ACC schools and

15   they're all located in North Carolina, is that

16   right?

17           A.    That's correct.

18                   MR. ADLER: Can we go off the record

19   for a second?

20                   MR. PATTERSON: Sure.

21                   (Off-the-record conference.)

22                   (APPLICANT'S EXH. 31, Sports Fan-Attic

23   photographs, was marked for identification.)

24   BY MR. PATTERSON:

25           Q.    This is Applicant's Exhibit 31. Can

Kenneth H. Taylor

1     you identify this store for me, please.

2             A.     I believe it's a Sports Fan-Attic in  
3     the Four Seasons Mall in Greensboro.

4             Q.     Look at the second page of that exhibit  
5     and tell me what you see.

6             A.     I see hats from Alabama, Auburn,  
7     Clemson, East Carolina, Florida. That would be  
8     Florida State.

9             Q.     To your knowledge, are those schools  
10    all located in the southeast?

11            A.     Conference or region?

12            Q.     Region of the country.

13            A.     Yes.

14                   (APPLICANT'S EXH. 32, Dick's Sporting  
15    Goods photographs, was marked for identification.)

16    BY MR. PATTERSON:

17            Q.     This is Applicant's Exhibit Number 32.  
18    Could you identify that store for me.

19            A.     I believe it's the Dick's Sporting  
20    Goods store in Windover Place in Greensboro.

21            Q.     And on the second page of that exhibit,  
22    tell me what you see.

23            A.     Golf paraphernalia, covers, towels and  
24    head covers from Duke, UNC, North Carolina and NCU.

25            Q.     Those are all North Carolina schools,

Kenneth H. Taylor

1 is that right?

2 A. Yes.

3 Q. We'll keep going, but is it fair to say  
4 that it's common in the stores you visited for  
5 apparel or hats to be organized in some sort of a  
6 regional or conference affiliation?

7 A. Yes.

8 MR. ADLER: Objection, asked and  
9 answered.

10 BY MR. PATTERSON:

11 Q. Do you know if that -- if hats and  
12 apparel were arranged in that fashion, and by that  
13 I mean by conference or regional categorization, in  
14 the majority of stores you visited?

15 MR. ADLER: Objection, asked and  
16 answered.

17 THE WITNESS: I'm sorry?

18 BY MR. PATTERSON:

19 Q. You can go ahead and answer.

20 A. Oh, okay. Could you repeat the  
21 question. I'm sorry.

22 Q. Sure. Do you know if hats and apparel  
23 were arranged by conference or regional  
24 categorization in the majority of stores you  
25 visited?

Kenneth H. Taylor

1 MR. ADLER: Same objection.

2 THE WITNESS: I don't think it was the  
3 majority, but they were arranged in that way in  
4 stores and it was common that they were.

5 (APPLICANT'S EXH. 33, The Sports  
6 Authority photographs, was marked for  
7 identification.)

8 BY MR. PATTERSON:

9 Q. Okay. This is Applicant's Exhibit 33.  
10 Can you identify that for me.

11 A. It's a Sports Authority in Greensboro  
12 on Bridford Parkway, I believe.

13 Q. What do you see on the second page of  
14 that exhibit?

15 A. I see Duke, NC State hats.

16 Q. And those are both North Carolina  
17 schools, is that right?

18 A. That's correct.

19 Q. And they're both in the ACC?

20 A. That's correct.

21 (APPLICANT'S EXH. 34, J. C. Penney  
22 photographs, was marked for identification.)

23 BY MR. PATTERSON:

24 Q. This is Applicant's Exhibit 34. What  
25 store is that?



Kenneth H. Taylor

1           A.    I believe this is the J. C. Penney in  
2   the Oak Hollow Mall.

3           Q.    What do you see on the second page  
4   there?

5           A.    Duke, Wake Forest Tech.

6           Q.    Again both schools are in the ACC and  
7   in North Carolina?

8           A.    That's correct.

9                   (APPLICANT'S EXH. 35, Finish Line  
10   photographs, was marked for identification.)

11   BY MR. PATTERSON:

12           Q.    This is Applicant's Exhibit 35.  What  
13   store is that?

14           A.    I believe it's the Finish Line store in  
15   the Ocala Mall.

16           Q.    Tell me what you see on the second and  
17   third page of that exhibit.

18           A.    Hats from North Carolina, NC State,  
19   Duke and on the last page, Duke, Carolina, NC State  
20   sweatshirts.

21           Q.    And again, those are all schools that  
22   are in North Carolina and/or the Atlantic Coast  
23   Conference, right?

24           A.    That's correct.

25                   (APPLICANT'S EXH. 36, Finish Line

Kenneth H. Taylor

1     photographs, was marked for identification.)

2     BY MR. PATTERSON:

3             Q.     This is Applicant's Exhibit Number 36.

4     Can you identify that store for me.

5             A.     This is the Finish Line store in the  
6     Hanes Mall, I believe.

7             Q.     And where is that mall?

8             A.     That is in Winston-Salem, North  
9     Carolina.

10            Q.     Tell me what you see after the first  
11     page of that exhibit.

12            A.     Duke, Carolina, NC State.

13            Q.     When you say Carolina there, do you  
14     mean North Carolina?

15            A.     Sorry, North Carolina.

16            Q.     It's okay.

17            A.     I think Virginia Tech. I can't make  
18     out this one.

19            Q.     But the apparel at least in these  
20     pictures is all arranged by conference, is that  
21     right?

22                   MR. ADLER: Objection.

23                   THE WITNESS: With the exception of  
24     the -- the sweatshirts on the third page. Florida  
25     is from the SEC.

Kenneth H. Taylor

1 BY MR. PATTERSON:

2 Q. But they are also located in the  
3 southeast region of the country, is that right?

4 A. That's correct.

5 (APPLICANT'S EXH. 37, J. C. Penney  
6 photographs, was marked for identification.)

7 BY MR. PATTERSON:

8 Q. This is Applicant's Exhibit Number 37.  
9 Can you identify this store for me.

10 A. I believe it's J. C. Penney store in  
11 the Hanes Mall in Winston-Salem.

12 Q. What do you see on the second and third  
13 page of that exhibit?

14 A. University of North Carolina shirt -- I  
15 mean hats and shirts and Duke shirts and hats. And  
16 then on the third page, NC State, University of  
17 North Carolina, Duke and a Charlotte team that I'm  
18 not familiar with.

19 Q. And again, the universities referenced,  
20 they are all in the Atlantic Coast Conference, is  
21 that right?

22 A. That's right.

23 (APPLICANT'S EXH. 38, Lids photographs,  
24 was marked for identification.)

25 BY MR. PATTERSON:

Kenneth H. Taylor

1           Q.    Can you identify that store for me,  
2    please.   This is Applicant's Exhibit Number 38.

3           A.    It's the Lids store, I believe, in the  
4    Eastland Mall in Charlotte.

5           Q.    Tell me what you see on the second page  
6    of that exhibit.

7           A.    North Carolina, Clemson, Duke, South  
8    Carolina, NC State hats.

9           Q.    And again, are all those schools  
10   located in either North Carolina or South Carolina?

11          A.    Yes.

12                   (APPLICANT'S EXH. 39, Foot Locker  
13   photographs, was marked for identification.)

14   BY MR. PATTERSON:

15          Q.    This is Applicant's Exhibit Number 39.  
16   Can you identify that store for me.

17          A.    I believe it's the Foot Locker store in  
18   Southpark Mall in Charlotte.

19          Q.    What do you see on the second page of  
20   that exhibit?

21          A.    University of South Carolina, Clemson,  
22   NC State and part of a Wake Forest hat.

23          Q.    How do you know that's a University of  
24   South Carolina hat?

25          A.    I looked at that one.  I remember that

## Kenneth H. Taylor

1 fuzzy logo.

2 Q. And all these schools are located in  
3 either North or South Carolina, is that right?

4 A. That's correct.

5 (APPLICANT'S EXH. 40, Foot Locker  
6 photographs, was marked for identification.)

7 BY MR. PATTERSON:

8 Q. This is Applicant's Exhibit Number 40.  
9 Can you identify that for me.

10 A. I believe that's a Foot Locker in Rock  
11 Hill Galleria in Rock Hill, South Carolina.

12 Q. What do you see on the second page of  
13 that exhibit?

14 A. A Gamecocks jersey and a Clemson  
15 jersey -- or T-shirt.

16 Q. Were you aware before you were retained  
17 in this case that South Carolina was the Gamecocks?

18 A. Yes.

19 Q. Were you aware that their colors were  
20 garnet and black?

21 A. I knew they had red in their color.

22 Q. Did you know before being retained in  
23 this case that Clemson was South Carolina's chief  
24 rival?

25 A. Yes.

Kenneth H. Taylor

1           Q.    Did you know that Southern Cal's colors  
2   were cardinal and gold?

3           A.    I knew -- yes, I knew -- didn't know if  
4   it was cardinal or not, but I knew the colors.

5           Q.    Did you know they had the Trojans as  
6   their mascot?

7           A.    Yes.

8                   (APPLICANT'S EXH. 41, Hibbett Sports  
9   photographs, was marked for identification.)

10   BY MR. PATTERSON:

11           Q.    This is Applicant's Exhibit Number 41.  
12   Can you identify that store for me.

13           A.    This is the Hibbett store in Rock Hill,  
14   South Carolina, Rock Hill Galleria.

15           Q.    Can you tell me what you see on the  
16   last three pages of that exhibit.

17           A.    Various South Carolina hats. Let me  
18   see if there's anything else. Okay. Yeah.

19           Q.    Those are all University of South  
20   Carolina hats, is that right?

21           A.    That's correct.

22           Q.    And you recognized all those as South  
23   Carolina hats, is that right?

24           A.    That's right.

25                   (A recess transpired.)

Kenneth H. Taylor

1 (APPLICANT'S EXH. 42, J. C. Penney  
2 photographs, was marked for identification.)

3 BY MR. PATTERSON:

4 Q. I hand you Applicant's Exhibit 42. And  
5 tell me what store that is.

6 A. I believe it's the J. C. Penney store  
7 in the Rock Hill Galleria in Rock Hill, South  
8 Carolina.

9 Q. What do you see on the second page?

10 A. South Carolina hats, a Budweiser, I  
11 think that's a NASCAR hat, Clemson hat and a North  
12 Carolina hat.

13 Q. And are all those schools excluding the  
14 Budweiser hat located in South Carolina or North  
15 Carolina?

16 A. Yes.

17 (Off-the-record conference.)

18 BY MR. PATTERSON:

19 Q. Do you know if Budweiser sponsors Dale  
20 Earnhardt, Jr.?

21 A. I believe that's right.

22 Q. Do you know if he's based in Charlotte,  
23 North Carolina?

24 A. I don't know where he's based.

25 Q. Do you know where Dale Earnhardt,

Kenneth H. Taylor

1 Incorporated is by chance?

2 A. I know he's from North Carolina, but I  
3 don't know what -- specifically what area in North  
4 Carolina.

5 (APPLICANT'S EXH. 43, Hat World  
6 photographs, was marked for identification.)

7 BY MR. PATTERSON:

8 Q. That's Applicant's Exhibit 43. Can you  
9 tell me what that store is.

10 A. I believe it's a Hat World in Columbia  
11 Place in Columbia, South Carolina.

12 Q. And tell me what you see in the next  
13 pages of that exhibit.

14 A. The first page is mostly South Carolina  
15 hats. There is a Georgia Tech Yellow Jacket hat  
16 and some Clemson hats on the bottom.

17 Q. What about the next page?

18 A. The next page is South Carolina hats,  
19 Clemson hats. I believe that's it, that's all I  
20 can identify.

21 Q. At the top there, is that a College of  
22 Charleston hat, do you know?

23 A. Yes. Well, it says Charleston. I  
24 assume that's College of Charleston.

25 Q. And all these entities on these last



Kenneth H. Taylor

1 two pages are located in the southeast region of  
2 the country, is that right?

3 A. Yes.

4 (APPLICANT'S EXH. 44, J. C. Penney  
5 photographs, was marked for identification.)

6 BY MR. PATTERSON:

7 Q. This is Applicant's Exhibit 44. Can  
8 you identify that store for me, please.

9 A. I believe it's the J. C. Penney Mall in  
10 Aiken -- J. C. Penney store in Aiken Mall in Aiken,  
11 South Carolina.

12 Q. Can you tell me what you see on the  
13 second page there.

14 A. A Clemson Tigers T-shirt and a Carolina  
15 Gamecocks sweatshirt.

16 Q. And those are both in South Carolina,  
17 is that right?

18 A. That's right.

19 (APPLICANT'S EXH. 45, Champs Sports  
20 photographs, was marked for identification.)

21 BY MR. PATTERSON:

22 Q. I hand you Exhibit 45. Can you  
23 identify that store for me.

24 A. It's the Champs store in the Augusta  
25 Mall in Augusta, Georgia.

Kenneth H. Taylor

1           Q.    Tell me what you see on the second page  
2   of that exhibit.

3           A.    Sweatshirts from Clemson, South  
4   Carolina, Georgia, looks like Notre Dame on the  
5   bottom.

6           Q.    The Clemson, South Carolina and Georgia  
7   sweatshirts are all on the same rack, is that  
8   right?

9           A.    Yes.

10          Q.    South Carolina and Georgia are both in  
11   the Southeastern Conference, is that right?

12          A.    Yes.

13                (APPLICANT'S EXH. 46, Foot Locker  
14   photographs, was marked for identification.)

15   BY MR. PATTERSON:

16          Q.    This is Applicant's Exhibit Number 46.  
17   If you could identify that store for me.

18          A.    I believe it's the Foot Locker store in  
19   the Discovery Mills Mall in -- outside of Atlanta,  
20   I believe it's Lawrenceville.

21          Q.    What do you see on the second page  
22   there?

23          A.    Georgia Tech and Georgia hats and  
24   something in the middle I can't identify, a black  
25   hat.

Kenneth H. Taylor

1           Q.   And at the risk of being overly  
2   obvious, Georgia and Georgia Tech are both schools  
3   located in the State of Georgia, is that right?

4           A.   That's correct.

5                   (APPLICANT'S EXH. 47, Stadium Stuff  
6   photographs, was marked for identification.)

7   BY MR. PATTERSON:

8           Q.   This is Applicant's Exhibit Number 47.  
9   Can you identify that store for me, please.

10          A.   This is store in Lenox Square Mall in  
11   Atlanta, Georgia. The index says it's Sports  
12   Avenue. I remember recalling it was different than  
13   what was on there, but I think they go by two  
14   names, Stadium Stuff or Sports Avenue.

15          Q.   But you feel fairly certain that it's a  
16   sporting goods store or sports apparel store in the  
17   Lenox Square Mall in Atlanta?

18          A.   I feel certain of that.

19          Q.   Will you identify what you see on the  
20   second two pages of the exhibit.

21          A.   Auburn University hats, South Carolina  
22   Gamecock hat, Miami Hurricanes hat, North Carolina  
23   Tarheel hat. On the second page, Auburn and South  
24   Carolina hat.

25                   MR. ADLER: I'm sorry, what numbers are

Kenneth H. Taylor

1       these in terms of the photographs?

2                   THE WITNESS:   These are -- it's 2150 --

3                   MR. ADLER:    Okay.

4                   THE WITNESS:   -- 2154 and 2155.

5       BY MR. PATTERSON:

6                   Q.    And are those all located in the  
7       southeast region of the country?

8                   A.    Yes.

9                   (APPLICANT'S EXH. 48, Champs Sports  
10      photographs, was marked for identification.)

11      BY MR. PATTERSON:

12                  Q.    I believe this is the last one I have.  
13      This is Applicant's Exhibit 48.  Identify that  
14      store for me, please.

15                  A.    I believe this is the Champs Store in  
16      the Northgate Mall in Durham, North Carolina.

17                  Q.    What do you see on the second page of  
18      that exhibit?

19                  A.    University of North Carolina hat,  
20      University of South Carolina hat, Florida State  
21      hat, Miami Hurricanes hat, part of a Texas Longhorn  
22      hat.

23                  Q.    Is it fair to say that all these  
24      schools are located in the southeast region of the  
25      country?

Kenneth H. Taylor

1           A.    Yes.

2           Q.    In all of these pictures I've just  
3 shown you, it's true, is it not, that all of these  
4 items of apparel appear to have been grouped by  
5 either conference affiliation or regional location?

6           A.    Yes.

7           MR. ADLER:  Objection, calls for  
8 speculation; objection, asked and answered;  
9 objection, documents speak for themselves.

10          MR. PATTERSON:  Off the record for just  
11 a minute.

12                   (Off-the-record conference.)

13          MR. PATTERSON:  Back on the record.

14   BY MR. PATTERSON:

15          Q.    Mr. Taylor, I've just shown Applicant's  
16 Exhibits numbered 23 to 48 and you've looked over  
17 each one.  Do each of those pictures represent true  
18 and accurate copies of photos you took when you  
19 visited the malls?

20          A.    Yes.

21          MR. PATTERSON:  We move that 23 to 48  
22 go into evidence.

23          MR. ADLER:  I would note that they are  
24 incomplete but that the proof sheet has the rest  
25 and subject to that notation, no other objection.

## Kenneth H. Taylor

1 BY MR. PATTERSON:

2 Q. And Mr. Taylor, if you remember when  
3 Mr. Adler showed you collections of photos, those  
4 were actually incomplete in terms of not including  
5 every single picture you took, is that right?

6 A. That's correct.

7 Q. When you were given instructions --  
8 strike that.

9 Who actually gave you the instructions  
10 when you carried out this assignment?

11 A. It was both Michael Adler and Mandy  
12 Bora-Robertson -- Robertson-Bora.

13 Q. Did they tell you to focus on any  
14 specific colors of apparel to photograph?

15 A. Not that I recall.

16 MR. PATTERSON: Let's go off the record  
17 for a second.

18 (A recess transpired.)

19 MR. PATTERSON: Let's go back on the  
20 record.

21 (APPLICANT'S EXH. 49, hat photographs,  
22 was marked for identification.)

23 BY MR. PATTERSON:

24 Q. Mr. Taylor, I'm about to hand you  
25 Applicant's Exhibit 49, which are according to the

Kenneth H. Taylor

1 proof sheet 1818 and 1819. Can you take a look at  
2 that and identify those -- what you see in those  
3 pictures.

4 A. These are pictures I took from the Lids  
5 store in the Northlake Mall in Charlotte, I  
6 believe.

7 Q. And what do those pictures depict?

8 A. One picture depicts the South Carolina  
9 hat with the SC logo on it and the other picture  
10 depicts a Southern California hat with USC on it  
11 and a Southern California hat with a Trojan on it,  
12 a Florida State hat and a Georgia Tech hat.

13 Q. The shades of color involved in the  
14 South Carolina hat and the Southern California hat,  
15 are those different or are those the same?

16 A. They look different.

17 Q. In the 135 stores you visited, it's  
18 true, is it not, that only four stores sold goods  
19 which bore the SC mark in relation to Southern  
20 California according to your pictures?

21 A. I think that's right.

22 MR. PATTERSON: No further questions.

23 REDIRECT EXAMINATION

24 BY MR. ADLER:

25 Q. Let's start with the hat. I'm going to

Kenneth H. Taylor

1 place in front of the witness a hat and a Pro Image  
2 bag and I'm going to ask the witness if he  
3 recognizes this hat and bag.

4 A. Yes, I do.

5 Q. And what is this?

6 A. It's a hat I purchased from the Pro  
7 Image store in Columbia, South Carolina.

8 Q. And this is the hat that you were  
9 testifying about earlier when you said that there  
10 was an SC logo on the back of the hat?

11 A. That's correct.

12 MR. PATTERSON: I'm just going to  
13 interpose an objection to this line of questioning  
14 just based on the fact that this hat wasn't  
15 produced to us, but you can continue.

16 MR. ADLER: All right, I'm going to  
17 mark as Exhibits 350 and 351 two photographs.

18 MR. PATTERSON: Yeah, same objections  
19 with these.

20 (OPPOSER'S EXH. 350, Photograph of a  
21 USC hat with Pro Image bag, was marked for  
22 identification.)

23 (OPPOSER'S EXH. 351, Photograph of the  
24 back of a USC hat with Pro Image bag, was marked  
25 for identification.)



## Kenneth H. Taylor

1 BY MR. ADLER:

2 Q. What are these photographs?

3 A. These are photographs of the hat I just  
4 had in my hand.

5 Q. And do they accurately reflect the hat  
6 that you had in your hand?

7 A. Yes.

8 MR. ADLER: I move the admission of 350  
9 and 351.

10 MR. PATTERSON: Yeah, I'm going to  
11 object based on the fact they hadn't been produced.

12 BY MR. ADLER:

13 Q. We were talking earlier about the notes  
14 that you kept as opposed to the photographs --

15 A. Yes.

16 Q. -- and I want to address something.  
17 During the course of your travels on this  
18 assignment, did you photograph -- well, let me ask  
19 it -- how many of the stores that you visited did  
20 you photograph the outside of?

21 A. All of them, I believe.

22 Q. And you reviewed the proof sheet last  
23 night?

24 A. Yes.

25 Q. And how many stores are reflect -- the

## Kenneth H. Taylor

1 outside of how many stores are reflected on the  
2 proof sheet?

3 A. I believe it's 134 or right around  
4 there.

5 Q. So even if the inside of the store was  
6 not relevant, you photographed the outside and it's  
7 reflected in this proof sheet?

8 MR. PATTERSON: Object to the form,  
9 leading.

10 THE WITNESS: Answer? Yes.

11 BY MR. ADLER:

12 Q. Let's go through -- well, actually a  
13 little bit about your background. You indicated  
14 you are a sports fan. Did you play any sport in  
15 college -- did you play an intercollegiate sport in  
16 college?

17 A. Yes, I did.

18 Q. What sport was that?

19 A. Tennis.

20 Q. And what school did you go to?

21 A. Auburn University.

22 Q. And what -- where is that located?

23 A. Auburn, Alabama.

24 Q. And what region of the country is that  
25 in?

Kenneth H. Taylor

1           A.    Southeastern region.

2           Q.    If you can take the pile of exhibits  
3   that we just went through with counsel from South  
4   Carolina and looking at Exhibit 23.

5                   (Off-the-record conference.)

6   BY MR. ADLER:

7           Q.    Do you recall whether there were any  
8   other bumper stickers for sale in this particular  
9   store besides the ones reflected in the photograph?

10          A.    I don't recall.

11          Q.    Looking at Exhibit Number 24, were  
12   there other sweaters for sale from other colleges  
13   in this store other than the USC and UCLA ones  
14   reflected here?

15                   MR. PATTERSON:  Objection, leading.

16   BY MR. ADLER:

17          Q.    Let me rephrase.  What other sweaters,  
18   if any, were there in this mall in this particular  
19   store besides the USC and UCLA ones?

20          A.    I don't recall any other ones.

21          Q.    What other rain slickers were there in  
22   this store other than the USC and UCLA ones?

23          A.    I don't recall.

24          Q.    If you look at Exhibit 25.  And was --  
25   I think you testified that that's a University of

## Kenneth H. Taylor

1 Texas hat next to the USC hat on the right there?

2 A. Yes.

3 Q. What conference is the University of  
4 Texas in?

5 A. I believe it's the Southwest  
6 Conference.

7 Q. And how is it geographically related to  
8 the University of Southern California?

9 A. It's in the middle of the country and  
10 the University of Southern California is on the  
11 West Coast of the country.

12 Q. Above the University of Texas hat, do  
13 you recognize that hat?

14 A. I think it's a Stanford hat.

15 Q. Looking at Exhibit 26, did the ACC  
16 store carry any other goods besides ACC goods?

17 A. I don't recall any other goods.

18 Q. Turning to the next exhibit, 27. Did  
19 the J. C. Penney store reflected here -- did this  
20 particular J. C. Penney store carry any goods that  
21 were not -- any collegiate licensed goods that were  
22 not regional?

23 A. I don't think so. I don't recall any  
24 others.

25 Q. In the --

Kenneth H. Taylor

1                   MR. ADLER: Off the record for a  
2 second.

3                   (Off-the-record conference.)

4 BY MR. ADLER:

5                   Q. Directing your attention to Exhibit 28.  
6 Off the record we determined that this is 1675 and  
7 I believe it would be 1676 so if you can also look  
8 at those in the proof sheet.

9                   A. Okay, yeah.

10                  Q. And if you can take a look at 1678.

11                  A. Yes.

12                  Q. Can you describe what's in 1678.

13                  A. There is a -- it looks like SC Trojan  
14 T-shirt, I believe it's a USC Trojan T-shirt, a  
15 Tarheels T-shirt, a Wolfpack hat, Tarheel hat, I  
16 think that's an NC State hat and a Duke hat, North  
17 Carolina shirt and it looks like a Michigan shirt  
18 and it looks like an Air Force shirt.

19                  Q. Do you recall whether that store had a  
20 University of Southern California Trojan hat in the  
21 store?

22                  A. I don't believe it did.

23                  MR. PATTERSON: Object to the form.

24 BY MR. ADLER:

25                  Q. What is your recollection as to whether

Kenneth H. Taylor

1       there was a Air Force hat in that store?

2               A.    I don't recall an Air Force hat.

3               Q.    In that store were any of the hats  
4       separated by either region or conference so that  
5       one region or conference was in any way segregated  
6       from another region or conference?

7               MR. PATTERSON:  Object to the form,  
8       leading.

9               THE WITNESS:  This is the only hats I  
10       recall.  These are the only hats I recall.

11       BY MR. ADLER:

12              Q.    In any of the stores that you  
13       visited -- let me step back.

14              How many of the stores that you visited  
15       had only regional schools for certain products?

16              A.    A large number of them.

17              Q.    So in those -- in those stores if there  
18       were only regional products, obviously those  
19       weren't separated from any other regions, correct?

20              A.    That's correct.

21              Q.    Those stores that carried more than  
22       regional products, how many of them separated one  
23       conference or region from another conference or  
24       region?

25              MR. PATTERSON:  Object to the form,

Kenneth H. Taylor

1 leading.

2 THE WITNESS: None that I recall.

3 BY MR. ADLER:

4 Q. Looking at Exhibit 29, which is the  
5 Omega Sports.

6 A. Yes.

7 Q. Do you recall whether -- how many  
8 nonregional schools do you recall being carried in  
9 that Omega Sports?

10 A. I don't recall any.

11 Q. Turning to Exhibit 30. How many  
12 nonregional schools do you recall being carried in  
13 that particular J. C. Penney?

14 A. I don't recall any.

15 Q. Turning to Exhibit 31 and --

16 MR. PATTERSON: Off the record just a  
17 second.

18 (Off-the-record conference.)

19 BY MR. ADLER:

20 Q. Looking at Exhibit 31 and directing  
21 your attention to -- I believe this is the range  
22 around 1744.

23 A. 1744.

24 Q. This is actually probably 1745.

25 A. 1745. Okay.

## Kenneth H. Taylor

1           Q.    Can you describe the hats that are in  
2   1748.

3           A.    1748.  There is a North Carolina hat --  
4   there are several North Carolina hats, there's a  
5   Michigan State hat, two Michigan hats, Miami  
6   Hurricane hat.  I think that's a University of  
7   Indiana hat, Kansas University hat, can't tell what  
8   it is below the Kansas -- might be Kentucky, it  
9   says UK.  I think those are Florida State hats on  
10  the far left, a white one and a red one.  That's a  
11  Georgia hat on the bottom and a Florida --  
12  University of Florida hat on the top left corner.

13          Q.    And was that in the same store as the  
14  rest of the exhibit -- rest of the pictures in  
15  Exhibit 31?

16          A.    Yes.

17          Q.    Turning to Exhibit 32.  What was the  
18  mix of goods of regional as opposed to a  
19  nonregional that were carried in Dick's -- in this  
20  particular Dick's?

21          A.    These were -- I believe were the only  
22  collegiate goods at Dick's that were branded like  
23  this, so it's just regional.

24          Q.    Turning to Exhibit 33.  What was the  
25  mix of regional as opposed to nonregional goods in



Kenneth H. Taylor

1     this particular Sports Authority?

2             A.     This is the -- these are the only goods  
3     that I recall being at the Sports Authority so it  
4     could only be regional.

5             MR. ADLER:   Let's go off the record for  
6     a second.

7             (Off-the-record conference.)

8     BY MR. ADLER:

9             Q.     All right, turning to Exhibit 38.

10            A.     Do you have the proof sheet numbers?

11            Q.     Yes, and directing your attention to  
12     1863.

13            A.     Thank you.

14            Q.     And actually, if I can direct your  
15     attention to 1867.

16            A.     Okay.   Hold one second.   Okay.

17            Q.     If you can make it out, can you  
18     describe the schools whose hats are reflected in  
19     1867.

20            A.     Looks like Florida State -- 1867?

21            Q.     Correct.

22            A.     Looks like Florida State, Duke, Texas,  
23     UNC, NC State.   I don't know the kind of claw  
24     hammer one.

25            Q.     And is that --

## Kenneth H. Taylor

1 A. Florida State.

2 Q. Are those hats in the same store that  
3 is reflected in Exhibit 38?

4 A. Yes.

5 Q. Turning to Exhibit 41, which is a  
6 Hibbett Sports.

7 A. On the proof sheet? Thank you. I  
8 think I found it. It's 1919. It should be Rock  
9 Hill.

10 Q. Right.

11 A. Okay.

12 (Off-the-record conference.)

13 MR. ADLER: Back on the record.

14 BY MR. ADLER:

15 Q. Do you recall what the mix in this  
16 particular Hibbett Sports was between regional and  
17 nonregional schools?

18 A. It was completely regional is my  
19 recollection.

20 Q. Exhibit 42 is the J. C. Penney at 1925.

21 A. Okay.

22 Q. Do you remember what the mix of schools  
23 was between regional and nonregional schools at  
24 this particular J. C. Penney?

25 A. My recollection is these were the only

## Kenneth H. Taylor

1 hats, only goods, it was only regional.

2 Q. Jumping -- I'm trying to shorten this.

3 45 -- go to Exhibit 45. And that's Number 2000 on  
4 the --

5 A. Okay.

6 Q. Looking at Exhibit 45, what are the  
7 sweaters that are reflected on the lower shelf, can  
8 you recall what those were?

9 A. I can make out Notre Dame.

10 Q. And next to that, do you know what that  
11 was?

12 A. I don't. I see it looks like two Notre  
13 Dame shirts and I don't know what the one next to  
14 it is. I don't recall.

15 Q. Looking at the proof sheet at 2001 --

16 A. Yes.

17 Q. -- can you identify the schools that  
18 are reflected in those hats?

19 A. I believe they're University of Miami,  
20 University of Texas, Michigan, University of  
21 Georgia, University of Florida, I believe, and  
22 South Carolina.

23 Q. And what conference are all those  
24 schools in?

25 A. Florida and Georgia -- Georgia are in

Kenneth H. Taylor

1 SEC, South Carolina and Miami are in the ACC, Texas  
2 is in the Southwest Conference and I believe  
3 Michigan is in the Big 10, Midwestern Conference.

4 Q. And was this photograph taken in the  
5 same store as the rest of Exhibit 45?

6 A. Yes.

7 Q. Did you find goods from the University  
8 of Southern California in the same stores as you  
9 found goods from the University of South Carolina?

10 MR. PATTERSON: Object to the form,  
11 leading.

12 BY MR. ADLER:

13 Q. Let me reask that.

14 How frequently did you find goods from  
15 the University of Southern California in the same  
16 store that offered goods from the University of  
17 South Carolina?

18 MR. PATTERSON: Object to form,  
19 leading.

20 THE WITNESS: I did find them. I don't  
21 know what the frequency was. Somewhere between a  
22 quarter to half of the time.

23 MR. ADLER: No further questions.

24 MR. PATTERSON: I just have a little  
25 bit on recross. Off the record for one second.

Kenneth H. Taylor

1 (Off-the-record conference.)

2 RECROSS-EXAMINATION

3 BY MR. PATTERSON:

4 Q. I just want to ask you a few questions  
5 about the pictures that have been marked as 350 and  
6 351. When were these pictures taken, if you know?

7 MR. ADLER: I will represent that I  
8 took these photos.

9 THE WITNESS: Oh, the pictures, I'm  
10 sorry.

11 MR. ADLER: The photos were taken  
12 within the last four days.

13 BY MR. PATTERSON:

14 Q. If you look at 351, there's a receipt.

15 A. Yes.

16 Q. You've got it, okay. It looks to me  
17 like the hat was purchased on November 16th, 2005,  
18 is that right?

19 A. I think that's right. That's what was  
20 on the receipt.

21 MR. PATTERSON: Nothing further.

22 MR. ADLER: No further recross.

23 (WHEREUPON, the proceedings concluded  
24 at 1:37 PM.)

25

Kenneth H. Taylor

SIGNATURE OF DEPONENT

I, the undersigned, KENNETH H. TAYLOR, do  
hereby certify that I have read the foregoing  
deposition and find it to be a true and accurate  
transcription of my testimony, with the following  
corrections, if any:

PAGE	LINE	CHANGE	REASON
16	1	ADD "2005" AFTER NOV.	CLARITY
17	24	ADD "PHOTOGRAPHS OF" BEFORE "THEM"	CLARITY

 7-5-06

KENNETH H. TAYLOR

Date

Kenneth H. Taylor

1 CERTIFICATE OF REPORTER

2

3 I, Terri L. Brusseau, Registered  
4 Professional Reporter and Notary Public for the  
5 State of South Carolina at Large, do hereby certify  
6 that the witness in the foregoing deposition was by  
7 me duly sworn to testify to the truth, the whole  
8 truth, and nothing but the truth in the  
9 within-entitled cause;

10 That said deposition was taken on Thursday,  
11 March 2, 2006, at 10:26 AM, at the law offices of  
12 Nelson, Mullins, Riley & Scarborough located at  
13 1320 Main Street, Columbia, South Carolina, wherein  
14 the adverse party was present through counsel, John  
15 C. McElwaine, Esq., of Nelson, Mullins, Riley &  
16 Scarborough, LLP;

17 That the testimony of said witness was  
18 reported by me, having not been disqualified as  
19 specified in Rule 28 of the Federal Rules of Civil  
20 Procedure, and was thereafter transcribed into  
21 typewriting, and the pertinent provisions of the  
22 applicable code or rules of civil procedure  
23 relating to the notification of the witness and  
24 counsel for the parties hereto of the availability  
25 of the original transcript of the deposition for

Kenneth H. Taylor

1 reading, correcting, and signing have been met.

2 I further certify that I am not a relative  
3 or employee of a party, a relative or employee of  
4 an attorney or agent of a party, or interested  
5 directly or indirectly, in the interference either  
6 as counsel, attorney, agent or otherwise.

7 In witness whereof, I have hereunto  
8 subscribed my name this 18th day of March, 2006 at  
9 Charleston, Charleston County, South Carolina.

10

11

12 Terri L. Brusseau

13 Terri L. Brusseau,

14 Registered Professional

15 Reporter, CP, CRR

16 My Commission expires

17 May 7, 2006.

18

19

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25



## Kenneth H. Taylor

## 1 I N D E X

2	KENNETH H. TAYLOR	3
3	DIRECT EXAMINATION	3
4	BY MR. ADLER	
5	CROSS-EXAMINATION	52
6	BY MR. PATTERSON	
7	REDIRECT EXAMINATION	84
8	BY MR. ADLER	
9	RECROSS-EXAMINATION	98
10	BY MR. PATTERSON	
11	E X H I B I T S	
12	OPPOSER'S EXH. 328, Proof Sheet	6
13	OPPOSER'S EXH. 329, Marksmen Photo	6
14	Index	
15	OPPOSER'S EXH. 330, Finish Line	9
16	photographs	
17	OPPOSER'S EXH. 331, Sports Fan-Attic	13
18	photographs	
19	OPPOSER'S EXH. 332, Wal-Mart	15
20	photographs	
21	OPPOSER'S EXH. 333, Champs Sports	17
22	photographs	
23	OPPOSER'S EXH. 334, Lids photographs	18
24	OPPOSER'S EXH. 305, Wal-Mart	25
25	photographs	

## Kenneth H. Taylor

1	OPPOSER'S EXH. 307, J. C. Penney	26
2	photographs	
3	OPPOSER'S EXH. 306, Lids photographs	28
4	OPPOSER'S EXH. 335, Sports Moments &	29
5	Memories photographs	
6	OPPOSER'S EXH. 336, Foot Locker	34
7	photographs	
8	OPPOSER'S EXH. 337, Steve & Barry's	37
9	University Sportswear photographs	
10	OPPOSER'S EXH. 338, Hat World	39
11	photographs	
12	OPPOSER'S EXH. 339, Sports Fan-Attic	40
13	photographs	
14	OPPOSER'S EXH. 341, Lids photographs	42
15	OPPOSER'S EXH. 342, Lids photographs	43
16	OPPOSER'S EXH. 343, Lids photographs	43
17	OPPOSER'S EXH. 344, Pro Image	44
18	photographs	
19	OPPOSER'S EXH. 340, Foot Locker	46
20	photographs	
21	OPPOSER'S EXH. 345, Champs Sports	47
22	photographs	
23	OPPOSER'S EXH. 346, Foot Locker	48
24	photographs	
25	OPPOSER'S EXH. 348, Player's	49

## Kenneth H. Taylor

1	photographs	
2	OPPOSER'S EXH. 347, Champs Sports	50
3	photographs	
4	OPPOSER'S EXH. 349, Miscellaneous store	51
5	photographs	
6	APPLICANT'S EXH. 3, Photograph of a hat	53
7	APPLICANT'S EXH. 1, Photograph of a	54
8	Trojans hat	
9	APPLICANT'S EXH. 2, Photograph of a hat	54
10	APPLICANT'S EXH. 23, Field Of Dreams	59
11	photographs	
12	APPLICANT'S EXH. 24, Champs Sports	60
13	photographs	
14	APPLICANT'S EXH. 25, Lids photographs	61
15	APPLICANT'S EXH. 26, ACC photographs	62
16	APPLICANT'S EXH. 27, J. C. Penney	63
17	photographs	
18	APPLICANT'S EXH. 28, Finish Line	63
19	photographs	
20	APPLICANT'S EXH. 29, Omega Sports	64
21	photographs	
22	APPLICANT'S EXH. 30, Four Seasons/ J.	66
23	C. Penney photographs	
24	APPLICANT'S EXH. 31, Sports Fan-Attic	66
25	photographs	

## Kenneth H. Taylor

1	APPLICANT'S EXH. 32, Dick's Sporting	67
2	Goods photographs	
3	APPLICANT'S EXH. 33, The Sports	69
4	Authority photographs	
5	APPLICANT'S EXH. 34, J. C. Penney	69
6	photographs	
7	APPLICANT'S EXH. 35, Finish Line	70
8	photographs	
9	APPLICANT'S EXH. 36, Finish Line	70
10	photographs	
11	APPLICANT'S EXH. 37, J. C. Penney	72
12	photographs	
13	APPLICANT'S EXH. 38, Lids photographs	72
14	APPLICANT'S EXH. 39, Foot Locker	73
15	photographs	
16	APPLICANT'S EXH. 40, Foot Locker	74
17	photographs	
18	APPLICANT'S EXH. 41, Hibbett Sports	75
19	photographs	
20	APPLICANT'S EXH. 42, J. C. Penney	76
21	photographs	
22	APPLICANT'S EXH. 43, Hat World	77
23	photographs	
24	APPLICANT'S EXH. 44, J. C. Penney	78
25	photographs	

## Kenneth H. Taylor

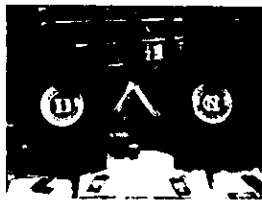
1	APPLICANT'S EXH. 45, Champs Sports	78
2	photographs	
3	APPLICANT'S EXH. 46, Foot Locker	79
4	photographs	
5	APPLICANT'S EXH. 47, Stadium Stuff	80
6	photographs	
7	APPLICANT'S EXH. 48, Champs Sports	81
8	photographs	
9	APPLICANT'S EXH. 49, hat photographs	83
10	OPPOSER'S EXH. 350, Photograph of a USC	85
11	hat with Pro Image bag	
12	OPPOSER'S EXH. 351, Photograph of the	85
13	back of a USC hat with Pro Image bag	
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OPPOSER'S EXH. 328

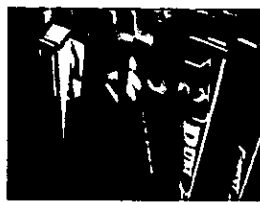
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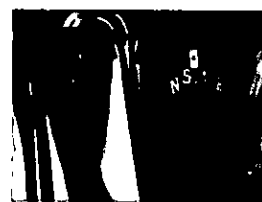
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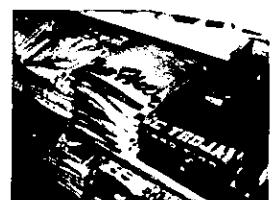
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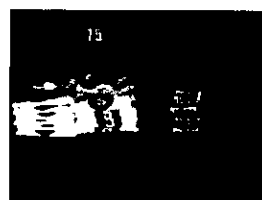
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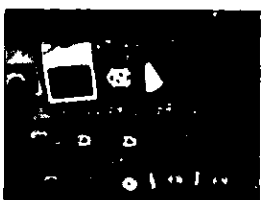
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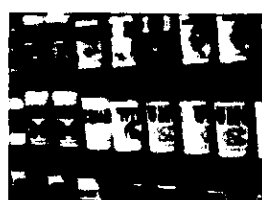
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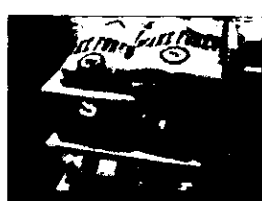
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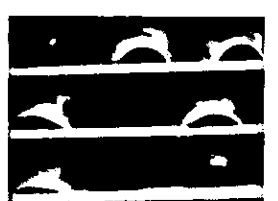
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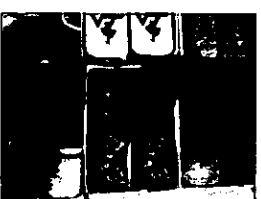
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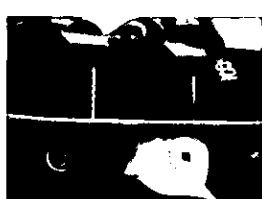
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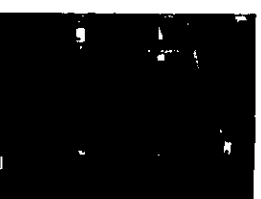
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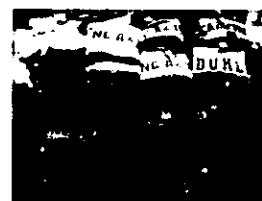
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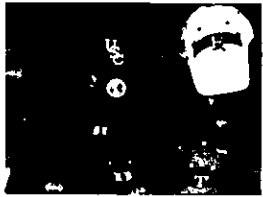
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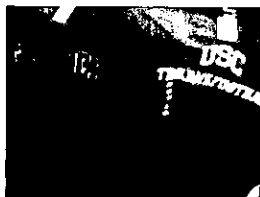
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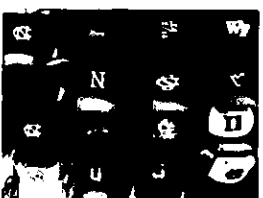
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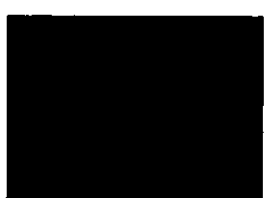
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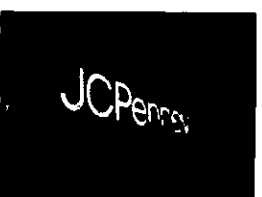
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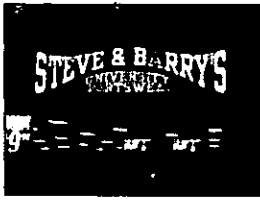


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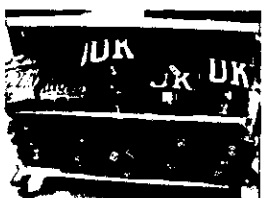
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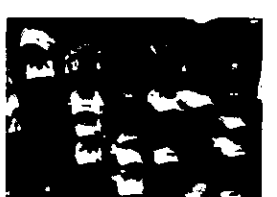
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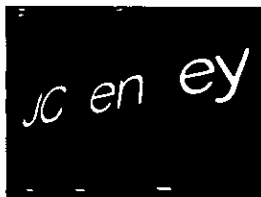
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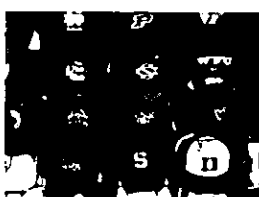
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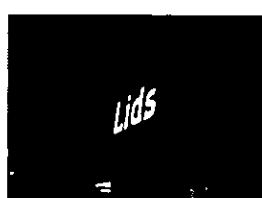
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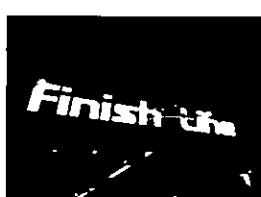
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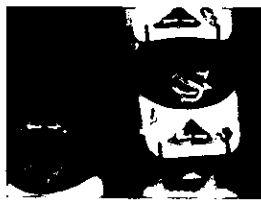
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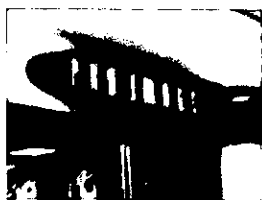
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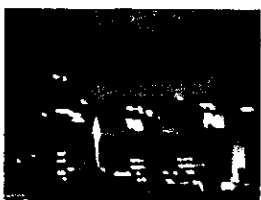
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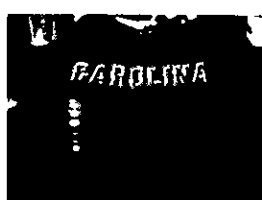
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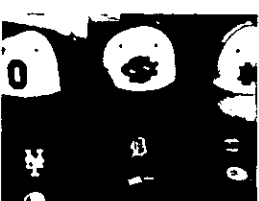
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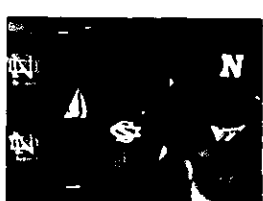
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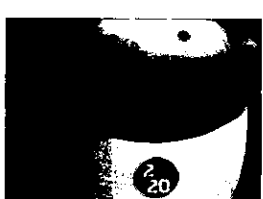
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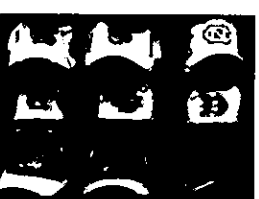
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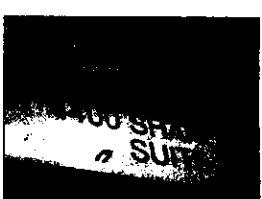
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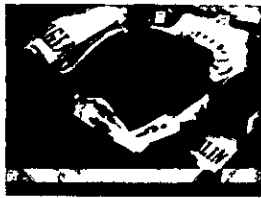
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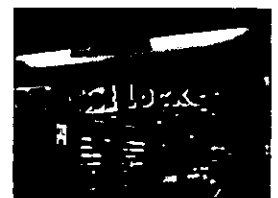
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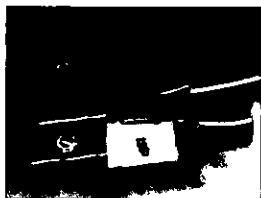
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DSCN1956.JPG



DSCN1957.JPG



DSCN1958.JPG



DSCN1959.JPG



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DSCN1966.JPG



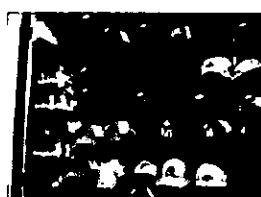
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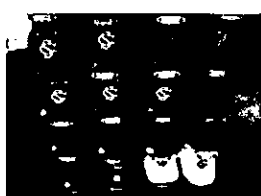
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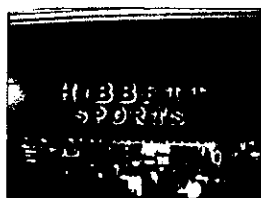
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DSCN1984.JPG



DSCN1985.JPG



DSCN1986.JPG



DSCN1987.JPG



DSCN1988.JPG



DSCN1989.JPG



DSCN1990.JPG



DSCN1991.JPG



DSCN1992.JPG



DSCN1993.JPG



DSCN1994.JPG



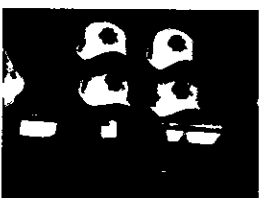
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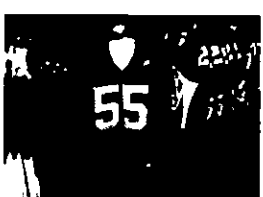
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DSCN2007.JPG



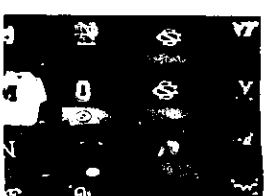
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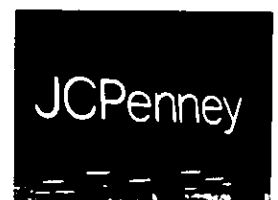
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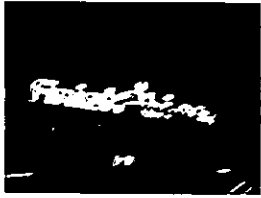
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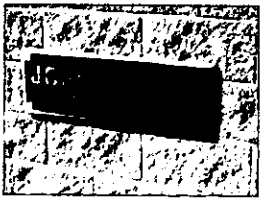
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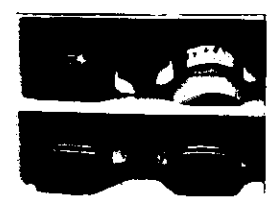
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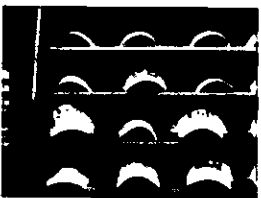
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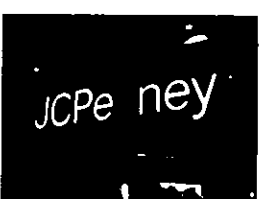
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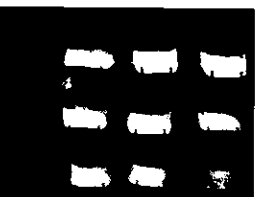
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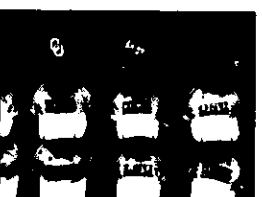
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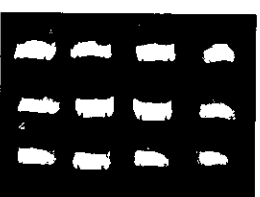
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DSCN2040.JPG



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DSCN2043.JPG



DSCN2044.JPG



DSCN2045.JPG



DSCN2046.JPG





DSCN2047.JPG



DSCN2048.JPG



DSCN2049.JPG



DSCN2050.JPG



DSCN2051.JPG



DSCN2052.JPG



DSCN2053.JPG



DSCN2054.JPG



DSCN2055.JPG



DSCN2056.JPG



DSCN2057.JPG



DSCN2058.JPG



DSCN2059.JPG



DSCN2060.JPG



DSCN2061.JPG



DSCN2062.JPG



DSCN2063.JPG



DSCN2064.JPG



DSCN2065.JPG



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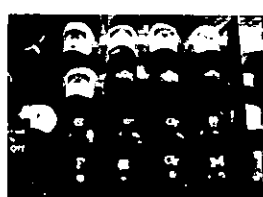
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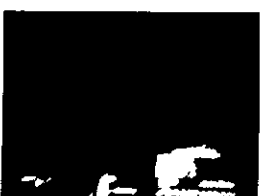
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DSCN2082.JPG



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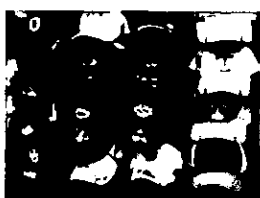
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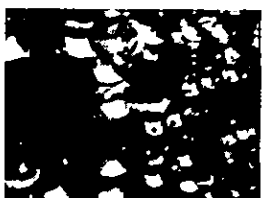
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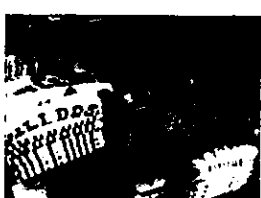
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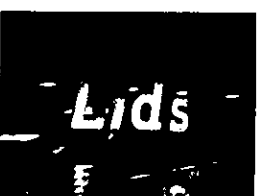
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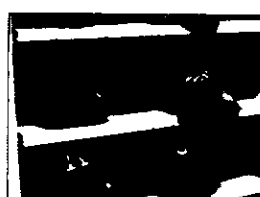
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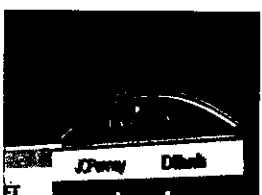
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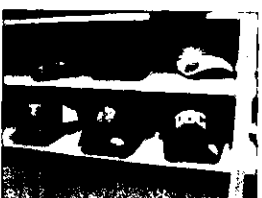
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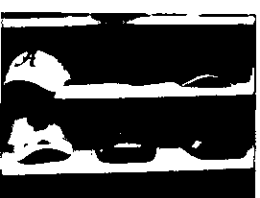
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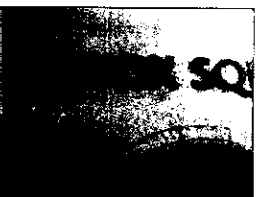
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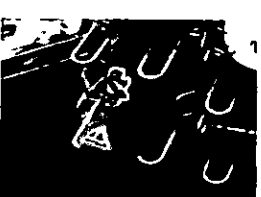
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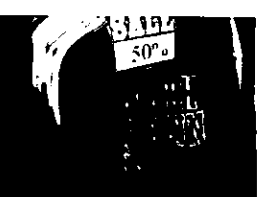
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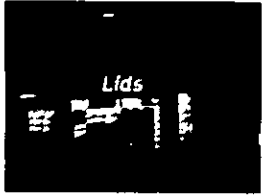
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DSCN2157.JPG



DSCN2158.JPG



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DSCN2160.JPG



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DSCN2162.JPG



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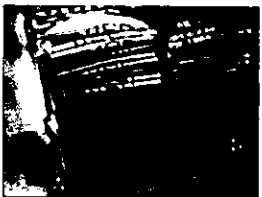
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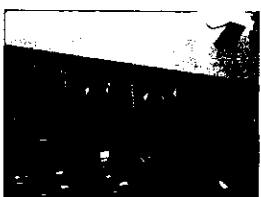
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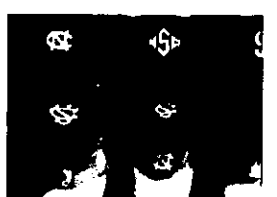
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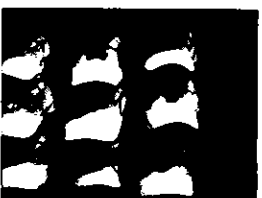
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DSCN2170.JPG



DSCN2171.JPG



DSCN2172.JPG



DSCN2173.JPG



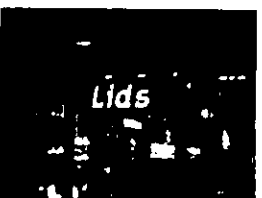
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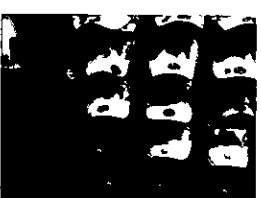
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DSCN2180.JPG



DSCN2181.JPG



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DSCN2185.JPG



DSCN2186.JPG



DSCN2187.JPG



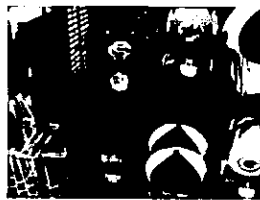
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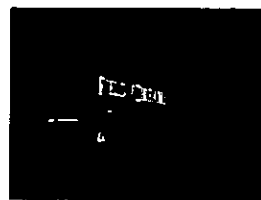
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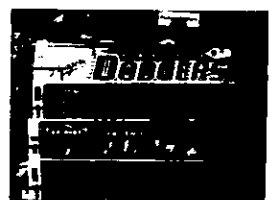
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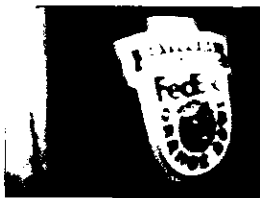
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DSCN2194.JPG



DSCN2195.JPG



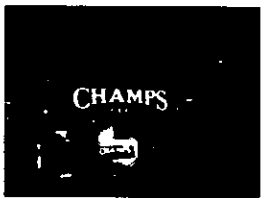
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DSCN2197.JPG



DSCN2198.JPG



DSCN2199.JPG



DSCN2200.JPG



DSCN2201.JPG



DSCN2202.JPG



DSCN2203.JPG



DSCN2204.JPG



DSCN2205.JPG



DSCN2206.JPG



DSCN2207.JPG



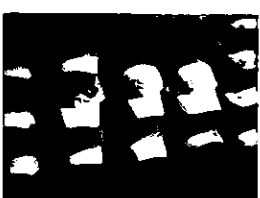
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DSCN2210.JPG



DSCN2211.JPG



DSCN2212.JPG



DSCN2213.JPG



DSCN2214.JPG



DSCN2215.JPG



DSCN2216.JPG



DSCN2217.JPG



DSCN2218.JPG



DSCN2219.JPG



DSCN2220.JPG



DSCN2221.JPG



DSCN2222.JPG



DSCN2223.JPG



DSCN2224.JPG



DSCN2225.JPG



DSCN2226.JPG



DSCN2227.JPG



DSCN2228.JPG



DSCN2231.JPG



DSCN2232.JPG

# OPPOSER'S EXH. 329

# Marksmen Photo Index

D:\

+---1 ACC SHOP RDU (Raleigh-Durham Airport - ACC Store)

.\_DSCN1669.jpg  
 .\_DSCN1670.jpg  
 .\_DSCN1671.jpg  
 .\_DSCN1681.jpg  
 .\_DSCN1682.jpg  
 .DS\_Store  
 DSCN1669.jpg  
 DSCN1670.jpg  
 DSCN1671.jpg  
 DSCN1681.jpg  
 DSCN1682.jpg

+---2 Southpoint JC Penney (Southpoint Mall, Durham, NC)

.\_DSCN1672.jpg  
 .\_DSCN1673.jpg  
 .\_DSCN1674.jpg  
 .DS\_Store  
 DSCN1672.jpg  
 DSCN1673.jpg  
 DSCN1674.jpg

+---3 Southpoint Finish Line (Southpoint Mall - Durham, NC)

.\_DSCN1675.jpg  
 .\_DSCN1676.jpg  
 .\_DSCN1677.jpg  
 .\_DSCN1678.jpg  
 .\_DSCN1680.jpg  
 .DS\_Store  
 DSCN1675.jpg ✓  
 DSCN1676.jpg  
 DSCN1677.jpg  
 DSCN1678.jpg ✓  
 DSCN1680.jpg

+---4 Southpoint Sports Fan Attic (Southpoint Mall - Durham, NC)

.\_DSCN1702.jpg  
 .\_DSCN1703.jpg  
 .\_DSCN1704.jpg  
 .\_DSCN1705.jpg  
 .\_DSCN1706.jpg  
 .\_DSCN1708.jpg  
 .\_DSCN1709.jpg  
 .DS\_Store  
 DSCN1702.jpg  
 DSCN1703.jpg ✓  
 DSCN1704.jpg  
 DSCN1705.jpg  
 DSCN1706.jpg  
 DSCN1708.jpg  
 DSCN1709.jpg ✓

Opposition No. 91125615  
 Univ. Southern California v.  
 Univ. South Carolina

Opposer's  
 Ex. No. 329, Pg. No.



+---5 New Hope Commons Omega (New Hope Commons Shopping Center - Durham, NC)

.\_DSCN1710.jpg  
.\_DSCN1711.jpg  
.\_DSCN1712.jpg  
.\_DSCN1713.jpg  
.\_DSCN1714.jpg  
.\_DS\_Store  
DSCN1710.jpg  
DSCN1711.jpg  
DSCN1712.jpg  
DSCN1713.jpg  
DSCN1714.jpg

+---6 New Hope Commons WalMart (New Hope Commons Shopping Center - Durham, NC)

.\_DSCN1715.jpg  
.\_DSCN1716.jpg  
.\_DSCN1717.jpg  
.\_DSCN1718.jpg  
.\_DSCN1719.jpg  
.\_DSCN1720.jpg  
.\_DS\_Store  
DSCN1715.jpg ✓  
DSCN1716.jpg  
DSCN1717.jpg ✓  
DSCN1718.jpg  
DSCN1719.jpg  
DSCN1720.jpg

+---7 Four Seasons TC JC Penney (Four Seasons Town Centre Mall - Greensboro, NC)

.\_DSCN1723.jpg  
.\_DSCN1724.jpg  
.\_DSCN1725.jpg  
.\_DSCN1726.jpg  
.\_DS\_Store  
DSCN1723.jpg  
DSCN1724.jpg  
DSCN1725.jpg  
DSCN1726.jpg

+---8 Four Seasons TC Champs (Four Seasons Town Centre Mall - Greensboro, NC)

.\_DSCN1727.jpg  
.\_DSCN1728.jpg  
.\_DSCN1729.jpg  
.\_DSCN1730.jpg  
.\_DSCN1731.jpg  
.\_DSCN1732.jpg  
.\_DSCN1733.jpg  
.\_DSCN1734.jpg  
.\_DS\_Store  
DSCN1727.jpg ✓  
DSCN1728.jpg  
DSCN1729.jpg  
DSCN1730.jpg  
DSCN1731.jpg ✓  
DSCN1732.jpg ✓  
DSCN1733.jpg ✓  
DSCN1734.jpg ✓

1  
-----9 Four Seasons TC Lids (Four Seasons Town Centre Mall- Greensboro , NE)

.\_DSCN1735.jpg  
.\_DSCN1736.jpg  
.\_DSCN1737.jpg  
.\_DS\_Store  
DSCN1735.jpg ✓  
DSCN1736.jpg ✓  
DSCN1737.jpg ✓

+-----10 Four Seasons TC Foot Locker (Four Seasons Town Centre Mall- Greensboro , NC)

.\_DSCN1740.jpg  
.\_DSCN1741.jpg  
.\_DSCN1742.jpg  
.\_DSCN1743.jpg  
.\_DS\_Store  
DSCN1740.jpg  
DSCN1741.jpg ✓  
DSCN1742.jpg ✓  
DSCN1743.jpg ✓

+-----11 Four Seasons TC Sports Fan Attic (Four Seasons Town Centre Mall- Greensboro , NC)

.\_DSCN1745.jpg  
.\_DSCN1746.jpg  
.\_DSCN1747.jpg  
.\_DSCN1748.jpg  
.\_DSCN1749.jpg  
.\_DSCN1750.jpg  
DSCN1745.jpg  
DSCN1746.jpg  
DSCN1747.jpg  
DSCN1748.jpg  
DSCN1749.jpg  
DSCN1750.jpg

+-----12 Windover Place Dick's? (Windover Place - Greensboro , NC)

+-----13 Bridford Pkwy Sports Authority (Greensboro , NC)

.\_DSCN1754.jpg  
.\_DSCN1755.jpg  
DSCN1754.jpg  
DSCN1755.jpg

+-----14 Oak Hollow JC Penney (Oak Hollow Mall - High Point , NC)

.\_DSCN1757.jpg  
.\_DSCN1758.jpg  
.\_DSCN1759.jpg  
DSCN1757.jpg  
DSCN1758.jpg  
DSCN1759.jpg

+-----15 Oak Hollow Steve & Barry's (Oak Hollow Mall - High Point , NC)

.\_DSCN1762.jpg  
.\_DSCN1763.jpg  
.\_DSCN1764.jpg  
.\_DSCN1765.jpg  
.\_DSCN1766.jpg  
DSCN1762.jpg ✓

DSCN1763.jpg ✓  
DSCN1764.jpg ✓  
DSCN1765.jpg ✓  
DSCN1766.jpg ✓

+---16 Oak Hollow The Hat Stop (Oak Hollow Mall- High Point, NC)  
.\_DSCN1768.jpg  
.\_DSCN1769.jpg  
DSCN1768.jpg  
DSCN1769.jpg

+---17 Oak Hollow Hat World (Oak Hollow Mall- High Point, NC)  
.\_DSCN1770.jpg  
.\_DSCN1771.jpg  
.\_DSCN1772.jpg  
.\_DSCN1773.jpg  
.\_DSCN1774.jpg  
DSCN1770.jpg ✓  
DSCN1771.jpg  
DSCN1772.jpg ✓  
DSCN1773.jpg ✓  
DSCN1774.jpg ✓

+---18 Oak Hollow Finish Line (Oak Hollow Mall- High Point, NC)  
.\_DSCN1776.jpg  
.\_DSCN1777.jpg  
.\_DSCN1778.jpg  
DSCN1776.jpg  
DSCN1777.jpg  
DSCN1778.jpg

+---19 High Point Wal Mart (High Point, NC)  
.\_DSCN1779.jpg  
.\_DSCN1780.jpg  
.\_DSCN1781.jpg  
.\_DSCN1782.jpg  
.\_DSCN1783.jpg  
.\_DSCN1784.jpg  
.\_DSCN1785.jpg  
DSCN1779.jpg ✓  
DSCN1780.jpg  
DSCN1781.jpg ✓  
DSCN1782.jpg ✓  
DSCN1783.jpg  
DSCN1784.jpg ✓  
DSCN1785.jpg

+---20 Hanes Pro Image (Hanes Mall- Winston-Salem, NC)  
.\_DSCN1787.jpg  
.\_DSCN1788.jpg  
.\_DSCN1789.jpg  
.\_DSCN1791.jpg  
.\_DSCN1792.jpg  
DSCN1787.jpg  
DSCN1788.jpg  
DSCN1789.jpg  
DSCN1791.jpg

DSCN1792.jpg

+---21 Hanes Finish Line

(Hanes Mall - Winston-Salem, NC)

.\_DSCN1793.jpg  
.\_DSCN1794.jpg  
.\_DSCN1795.jpg  
.\_DSCN1796.jpg  
.\_DS\_Store  
DSCN1793.jpg  
DSCN1794.jpg  
DSCN1795.jpg  
DSCN1796.jpg

+---22 Hanes JC Penney

(Hanes Mall - Winston-Salem, NC)

.\_DSCN1798.jpg  
.\_DSCN1799.jpg  
.\_DSCN1800.jpg  
.\_DSCN1801.jpg  
.\_DS\_Store  
DSCN1798.jpg  
DSCN1799.jpg  
DSCN1800.jpg  
DSCN1801.jpg

+---23 Hanes Sports Fan Attic

(Hanes Mall - Winston-Salem, NC)

.\_DSCN1804.jpg  
.\_DSCN1805.jpg  
.\_DSCN1806.jpg  
.\_DSCN1807.jpg  
.\_DSCN1808.jpg  
.\_DSCN1809.jpg  
.\_DSCN1810.jpg  
DSCN1804.jpg ✓  
DSCN1805.jpg ✓  
DSCN1806.jpg ✓  
DSCN1807.jpg  
DSCN1808.jpg  
DSCN1809.jpg  
DSCN1810.jpg

+---24 Hanes Foot Locker

(Hanes Mall - Winston-Salem, NC)

.\_DSCN1811.jpg  
.\_DSCN1812.jpg  
.\_DSCN1813.jpg  
.\_DS\_Store  
DSCN1811.jpg ✓  
DSCN1812.jpg ✓  
DSCN1813.jpg ✓

+---25 Northlake Lids

(Northlake Mall - Charlotte, NC)

.\_DSCN1816.jpg  
.\_DSCN1817.jpg  
.\_DSCN1818.jpg  
.\_DSCN1819.jpg  
.\_DSCN1820.jpg  
.\_DSCN1821.jpg  
.\_DSCN1822.jpg

.\_DSCN1823.jpg  
.\_DSCN1824.jpg  
.\_DSCN1825.jpg  
.\_DSCN1826.jpg  
DSCN1816.jpg ✓  
DSCN1817.jpg ✓  
DSCN1818.jpg ✓  
DSCN1819.jpg  
DSCN1820.jpg ✓  
DSCN1821.jpg  
DSCN1822.jpg  
DSCN1823.jpg  
DSCN1824.jpg  
DSCN1825.jpg  
DSCN1826.jpg

+---26 Northlake Finish Line (Northlake Mall - Charlotte, NC)

.\_DSCN1827.jpg  
.\_DSCN1828.jpg  
.\_DSCN1829.jpg  
.\_DSCN1830.jpg  
.\_DSCN1831.jpg  
DSCN1827.jpg  
DSCN1828.jpg  
DSCN1829.jpg  
DSCN1830.jpg  
DSCN1831.jpg

+---27 Northlake Sports Fan Attic (Northlake Mall - Charlotte, NC)

.\_DSCN1833.jpg  
.\_DSCN1834.jpg  
.\_DSCN1836.jpg  
.\_DSCN1837.jpg  
.\_DSCN1838.jpg  
.\_DSCN1839.jpg  
DSCN1833.jpg  
DSCN1834.jpg  
DSCN1836.jpg  
DSCN1837.jpg  
DSCN1838.jpg  
DSCN1839.jpg

+---28 Northlake Pro Image (Northlake Mall - Charlotte, NC)

.\_DSCN1840.jpg  
.\_DSCN1841.jpg  
.\_DSCN1842.jpg  
.\_DSCN1843.jpg  
.\_DSCN1844.jpg  
.\_DSCN1845.jpg  
DSCN1840.jpg ✓  
DSCN1841.jpg  
DSCN1842.jpg ✓  
DSCN1843.jpg  
DSCN1844.jpg ✓  
DSCN1845.jpg

+---29 Eastland Champs (Eastland Mall - Charlotte, NC)

.\_DSCN1851.jpg  
.\_DSCN1852.jpg  
.\_DSCN1853.jpg  
.\_DSCN1854.jpg  
DSCN1851.jpg ✓  
DSCN1852.jpg ✓  
DSCN1853.jpg ✓  
DSCN1854.jpg

+---30 Eastland Sports Fan Attic (Eastland Mall- Charlotte, NC)

.\_DSCN1855.jpg  
.\_DSCN1856.jpg  
.\_DSCN1857.jpg  
.\_DSCN1858.jpg  
DSCN1855.jpg  
DSCN1856.jpg  
DSCN1857.jpg  
DSCN1858.jpg

+---31 Eastland Lids (Eastland Mall- Charlotte, NC)

.\_DSCN1863.jpg  
.\_DSCN1864.jpg  
.\_DSCN1865.jpg  
.\_DSCN1866.jpg  
.\_DSCN1867.jpg  
.\_DSCN1868.jpg  
DSCN1863.jpg  
DSCN1864.jpg  
DSCN1865.jpg  
DSCN1866.jpg  
DSCN1867.jpg  
DSCN1868.jpg

+---32 Southpark Pro Image (Southpark Mall- Charlotte, NC)

.\_DSCN1871.jpg  
.\_DSCN1872.jpg  
.\_DSCN1873.jpg  
.\_DSCN1874.jpg  
DSCN1871.jpg  
DSCN1872.jpg  
DSCN1873.jpg  
DSCN1874.jpg

+---33 Southpark Finish Line (Southpark Mall- Charlotte, NC)

.\_DSCN1875.jpg  
.\_DSCN1876.jpg  
.\_DSCN1877.jpg  
.\_DSCN1878.jpg  
.\_DSCN1879.jpg  
.\_DS\_Store  
DSCN1875.jpg  
DSCN1876.jpg  
DSCN1877.jpg  
DSCN1878.jpg  
DSCN1879.jpg

+---34 Southpark Lids

(Southpark Mall- Charlotte, NC)

.\_DSCN1881.jpg  
.\_DSCN1882.jpg  
.\_DSCN1883.jpg  
.\_DSCN1884.jpg  
.\_DSCN1885.jpg  
.\_DSCN1886.jpg  
.\_DSCN1887.jpg  
.\_DSCN1888.jpg  
.\_DSCN1889.jpg  
.\_DSCN1890.jpg  
.\_DSCN1891.jpg  
DSCN1881.jpg  
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DSCN1886.jpg  
DSCN1887.jpg  
DSCN1888.jpg  
DSCN1889.jpg  
DSCN1890.jpg  
DSCN1891.jpg

+---35 Southpark Champs

(Southpark Mall- Charlotte, NC)

.\_DSCN1892.jpg  
.\_DSCN1893.jpg  
.\_DSCN1894.jpg  
.\_DSCN1895.jpg  
.\_DSCN1896.jpg  
.\_DSCN1897.jpg  
.\_DSCN1898.jpg  
DSCN1892.jpg ✓  
DSCN1893.jpg  
DSCN1894.jpg  
DSCN1895.jpg  
DSCN1896.jpg ✓  
DSCN1897.jpg ✓  
DSCN1898.jpg ✓

+---36 Southpark Foot Locker

(Southpark Mall- Charlotte, NC)

.\_DSCN1899.jpg  
.\_DSCN1900.jpg  
.\_DSCN1901.jpg  
DSCN1899.jpg  
DSCN1900.jpg  
DSCN1901.jpg

+---37 Rock Hill Steve & Barry's

(Rock Hill Galleria - Rock Hill, SC)

.\_DSCN1904.jpg  
.\_DSCN1905.jpg  
.\_DSCN1906.jpg  
.\_DSCN1907.jpg  
.\_DSCN1908.jpg  
.\_DSCN1909.jpg  
.\_DSCN1910.jpg  
.\_DSCN1911.jpg

.DS\_Store  
DSCN1904.jpg  
DSCN1905.jpg  
DSCN1906.jpg  
DSCN1907.jpg  
DSCN1908.jpg  
DSCN1909.jpg  
DSCN1910.jpg  
DSCN1911.jpg

+---38 Rock Hill Foot Locker (Rock Hill Galleria - Rock Hill, SC)

.\_DSCN1913.jpg  
.\_DSCN1914.jpg  
.\_DSCN1915.jpg  
.\_DSCN1916.jpg  
.\_DSCN1917.jpg  
.\_DSCN1918.jpg  
DSCN1913.jpg ✓  
DSCN1914.jpg  
DSCN1915.jpg  
DSCN1916.jpg  
DSCN1917.jpg  
DSCN1918.jpg ✓

+---39 Rock Hill Hibbett (Rock Hill Galleria - Rock Hill, SC)

.\_DSCN1919.jpg  
.\_DSCN1920.jpg  
.\_DSCN1921.jpg  
.\_DSCN1922.jpg  
.\_DSCN1923.jpg  
.\_DSCN1924.jpg  
DSCN1919.jpg  
DSCN1920.jpg  
DSCN1921.jpg  
DSCN1922.jpg  
DSCN1923.jpg  
DSCN1924.jpg

+---40 Rock Hill JC Penney (Rock Hill Galleria - Rock Hill, SC)

.\_DSCN1925.jpg  
.\_DSCN1926.jpg  
DSCN1925.jpg ✓  
DSCN1926.jpg ✓

+---41 Rock Hill Wal Mart (Rock Hill Galleria - Rock Hill, SC)

.\_DSCN1927.jpg  
.\_DSCN1928.jpg  
.\_DSCN1929.jpg  
DSCN1927.jpg  
DSCN1928.jpg  
DSCN1929.jpg

+---42 Columbia Place Finish Line (Columbia Place Mall - Columbia, SC)

.\_DSCN1931.jpg  
.\_DSCN1932.jpg  
.\_DSCN1933.jpg  
DSCN1931.jpg



DSCN1932.jpg  
DSCN1933.jpg

+---43 Columbia Place Footaction (Columbia Place Mall - Columbia, SC)

.\_DSCN1935.jpg  
.\_DSCN1936.jpg  
.\_DSCN1937.jpg  
DSCN1935.jpg  
DSCN1936.jpg  
DSCN1937.jpg

+---44 Columbia Place Champs (Columbia Place Mall - Columbia, SC)

.\_DSCN1938.jpg  
.\_DSCN1939.jpg  
.\_DSCN1940.jpg  
.\_DSCN1941.jpg  
.\_DSCN1942.jpg  
.\_DSCN1943.jpg  
.\_DSCN1944.jpg  
DSCN1938.jpg ✓  
DSCN1939.jpg  
DSCN1940.jpg  
DSCN1941.jpg  
DSCN1942.jpg  
DSCN1943.jpg ✓  
DSCN1944.jpg

+---45 Columbia Place Foot Locker (Columbia Place Mall - Columbia, SC)

.\_DSCN1945.jpg  
.\_DSCN1946.jpg  
DSCN1945.jpg  
DSCN1946.jpg

+---46 Columbia Place Hat World (Columbia Place Mall - Columbia, SC)

.\_DSCN1947.jpg  
.\_DSCN1948.jpg  
.\_DSCN1949.jpg  
.\_DSCN1950.jpg  
.\_DSCN1951.jpg  
.\_DSCN1952.jpg  
.\_DSCN1953.jpg  
DSCN1947.jpg  
DSCN1948.jpg  
DSCN1949.jpg  
DSCN1950.jpg  
DSCN1951.jpg  
DSCN1952.jpg  
DSCN1953.jpg

+---47 Columbia Place Sports Fan Attic (Columbia Place Mall - Columbia, SC)

.\_DSCN1954.jpg  
.\_DSCN1955.jpg  
.\_DSCN1956.jpg  
.\_DSCN1957.jpg  
.\_DSCN1958.jpg  
DSCN1954.jpg  
DSCN1955.jpg

DSCN1956.jpg  
DSCN1957.jpg  
DSCN1958.jpg

+---48 Columbiana Center Finish Line (*Columbiana Centre Mall - Columbia, SC*)

.\_DSCN1963.jpg  
.\_DSCN1964.jpg  
.\_DSCN1965.jpg  
.\_DSCN1966.jpg  
.\_DSCN1967.jpg  
.\_DSCN1968.jpg  
DSCN1963.jpg  
DSCN1964.jpg  
DSCN1965.jpg  
DSCN1966.jpg  
DSCN1967.jpg  
DSCN1968.jpg

+---49 Columbiana Center Foot Locker (*Columbiana Centre Mall - Columbia, SC*)

.\_DSCN1969.jpg  
.\_DSCN1970.jpg  
.\_DSCN1971.jpg  
.\_DSCN1972.jpg  
DSCN1969.jpg  
DSCN1970.jpg  
DSCN1971.jpg  
DSCN1972.jpg

+---50 Columbiana Center Pro Image (*Columbiana Centre Mall - Columbia, SC*)

.\_DSCN1973.jpg  
.\_DSCN1974.jpg  
.\_DSCN1975.jpg  
.\_DSCN1976.jpg  
.\_DSCN1977.jpg  
.\_DSCN1978.jpg  
DSCN1973.jpg  
DSCN1974.jpg  
DSCN1975.jpg  
DSCN1976.jpg  
DSCN1977.jpg  
DSCN1978.jpg

+---51 Aiken Mall JC Penney (*Aiken Mall - Aiken, SC*)

.\_DSCN1981.jpg  
.\_DSCN1982.jpg  
.\_DSCN1983.jpg  
DSCN1981.jpg  
DSCN1982.jpg  
DSCN1983.jpg

+---52 Aiken Mall Hibbett Sports (*Aiken Mall - Aiken, SC*)

.\_DSCN1984.jpg  
.\_DSCN1985.jpg  
.\_DSCN1986.jpg  
.\_DSCN1987.jpg  
DSCN1984.jpg  
DSCN1985.jpg

DSCN1986.jpg  
DSCN1987.jpg

+---53 Augusta Mall Lids

(Augusta Mall - Augusta, GA)

.\_DSCN1993.jpg  
.\_DSCN1994.jpg  
.\_DSCN1995.jpg  
.\_DSCN1996.jpg  
.\_DSCN1997.jpg  
.\_DSCN1998.jpg  
.\_DSCN1999.jpg  
.\_DS\_Store  
DSCN1993.jpg ✓  
DSCN1994.jpg ✓  
DSCN1995.jpg  
DSCN1996.jpg  
DSCN1997.jpg  
DSCN1998.jpg  
DSCN1999.jpg

+---54 Augusta Mall Champs

(Augusta Mall - Augusta, GA)

.\_DSCN2000.jpg  
.\_DSCN2001.jpg  
.\_DSCN2002.jpg  
.\_DSCN2003.jpg  
DSCN2000.jpg  
DSCN2001.jpg  
DSCN2002.jpg  
DSCN2003.jpg

+---55 Augusta Mall Foot Locker

(Augusta Mall - Augusta, GA)

.\_DSCN2004.jpg  
.\_DSCN2005.jpg  
.\_DSCN2006.jpg  
.\_DSCN2007.jpg  
.\_DSCN2008.jpg  
DSCN2004.jpg  
DSCN2005.jpg  
DSCN2006.jpg  
DSCN2007.jpg  
DSCN2008.jpg

+---56 Augusta Mall Sports Fan Attic

(Augusta Mall - Augusta, GA)

.\_DSCN2010.jpg  
.\_DSCN2011.jpg  
.\_DSCN2012.jpg  
.\_DSCN2013.jpg  
.\_DSCN2014.jpg  
DSCN2010.jpg ✓  
DSCN2011.jpg ✓  
DSCN2012.jpg  
DSCN2013.jpg  
DSCN2014.jpg

+---57 Augusta Mall Finish Line

(Augusta Mall - Augusta, GA)

.\_DSCN2017.jpg  
.\_DSCN2018.jpg

.\_DSCN2019.jpg  
.\_DSCN2020.jpg  
DSCN2017.jpg ✓  
DSCN2018.jpg  
DSCN2019.jpg  
DSCN2020.jpg ✓

+---58 Stonecrest Hat Shack? (Stonecrest Mall - Lithonia, GA)  
+---59 Northlake Hat Shack (Northlake Mall - Atlanta, GA)

.\_DSCN2035.jpg  
.\_DSCN2036.jpg  
.\_DSCN2037.jpg  
.\_DSCN2038.jpg  
.\_DSCN2039.jpg  
DSCN2035.jpg ✓  
DSCN2036.jpg ✓  
DSCN2037.jpg ✓  
DSCN2038.jpg ✓  
DSCN2039.jpg ✓

+---60 Northlake Finish Line (Northlake Mall - Atlanta, GA)

.\_DSCN2041.jpg  
.\_DSCN2042.jpg  
.\_DSCN2043.jpg  
.\_DSCN2044.jpg  
.\_DSCN2045.jpg  
.\_DSCN2046.jpg  
.\_DSCN2047.jpg  
DSCN2041.jpg ✓  
DSCN2042.jpg  
DSCN2043.jpg  
DSCN2044.jpg  
DSCN2045.jpg ✓  
DSCN2046.jpg  
DSCN2047.jpg

+---61 Northlake Champs (Northlake Mall - Atlanta, GA)

.\_DSCN2048.jpg  
.\_DSCN2049.jpg  
.\_DSCN2050.jpg  
.\_DSCN2051.jpg  
.\_DSCN2052.jpg  
.\_DSCN2053.jpg  
DSCN2048.jpg  
DSCN2049.jpg  
DSCN2050.jpg  
DSCN2051.jpg  
DSCN2052.jpg  
DSCN2053.jpg

+---62 Northlake Player's (Northlake Mall - Atlanta, GA)

.\_DSCN2055.jpg  
.\_DSCN2056.jpg  
.\_DSCN2057.jpg  
.\_DSCN2058.jpg  
.\_DSCN2059.jpg  
DSCN2055.jpg ✓

DSCN2056.jpg ✓  
DSCN2057.jpg ✓  
DSCN2058.jpg ✓  
DSCN2059.jpg ✓

(Discovery Mills Mall - Lawrenceville, GA)

+---63 Disc. Mills Sport Mom. & Mem? →

2061 ✓

+---64 Disc. Mills Champs (Same)

2062 ✓

.\_DSCN2074.jpg

2063 ✓

.\_DSCN2075.jpg

2064

.\_DSCN2076.jpg

2065

.\_DSCN2077.jpg

DSCN2074.jpg

2066 ✓

DSCN2075.jpg

2067 ✓

DSCN2076.jpg

DSCN2077.jpg

2068

+---65 Disc. Mills Footlocker (Same)

2069

.\_DSCN2078.jpg

2070 ✓

.\_DSCN2079.jpg

.\_DSCN2080.jpg

2071

DSCN2078.jpg

2072

DSCN2079.jpg

2073 ✓

DSCN2080.jpg

+---66 Disc. Mills Pro Image

(Discovery Mills Mall - Lawrenceville, GA)

.\_DSCN2081.jpg

.\_DSCN2082.jpg

.\_DSCN2083.jpg

.\_DSCN2084.jpg

.\_DSCN2085.jpg

.\_DSCN2086.jpg

.\_DSCN2087.jpg

DSCN2081.jpg ✓

DSCN2082.jpg ✓

DSCN2083.jpg

DSCN2084.jpg

DSCN2085.jpg

DSCN2086.jpg ✓

DSCN2087.jpg ✓

+---67 Mall of GA Sport Mom. & Mem

(Mall of Georgia - Buford, GA)

.\_DSCN2090.jpg

.\_DSCN2091.jpg

.\_DSCN2092.jpg

.\_DSCN2093.jpg

.\_DSCN2094.jpg

.\_DSCN2095.jpg

.\_DSCN2096.jpg

.\_DSCN2097.jpg

DSCN2090.jpg ✓

DSCN2091.jpg ✓

DSCN2092.jpg ✓

DSCN2093.jpg

DSCN2094.jpg

DSCN2095.jpg ✓

DSCN2096.jpg ✓

DSCN2097.jpg ✓

+---68 Mall of GA The College Station (Mall of Georgia - Buford, GA)

.\_DSCN2099.jpg  
.\_DSCN2100.jpg  
.\_DSCN2101.jpg  
.\_DSCN2102.jpg  
DSCN2099.jpg  
DSCN2100.jpg  
DSCN2101.jpg  
DSCN2102.jpg

+---69 Mall of GA Champs (Mall of Georgia - Buford, GA)

.\_DSCN2103.jpg  
.\_DSCN2104.jpg  
.\_DSCN2105.jpg  
.\_DSCN2106.jpg  
DSCN2103.jpg  
DSCN2104.jpg  
DSCN2105.jpg  
DSCN2106.jpg

+---70 Mall of GA Fantastic Fanz (Mall of Georgia - Buford, GA)

.\_DSCN2108.jpg  
.\_DSCN2109.jpg  
.\_DSCN2110.jpg  
.\_DSCN2111.jpg  
.\_DSCN2112.jpg  
DSCN2108.jpg ✓  
DSCN2109.jpg  
DSCN2110.jpg  
DSCN2111.jpg ✓  
DSCN2112.jpg ✓

+---71 Mall of GA Lids (Mall of Georgia - Buford, GA)

.\_DSCN2113.jpg  
.\_DSCN2114.jpg  
.\_DSCN2115.jpg  
.\_DSCN2116.jpg  
.\_DSCN2117.jpg  
.\_DSCN2118.jpg  
DSCN2113.jpg  
DSCN2114.jpg  
DSCN2115.jpg  
DSCN2116.jpg  
DSCN2117.jpg  
DSCN2118.jpg

+---72 Mall of GA Hat Shack (Mall of Georgia - Buford, GA)

.\_DSCN2119.jpg  
.\_DSCN2120.jpg  
.\_DSCN2121.jpg  
.\_DSCN2122.jpg  
.\_DSCN2123.jpg  
.\_DSCN2124.jpg  
.\_DSCN2125.jpg  
.\_DSCN2126.jpg  
DSCN2119.jpg

DSCN2120.jpg  
DSCN2121.jpg  
DSCN2122.jpg  
DSCN2123.jpg  
DSCN2124.jpg  
DSCN2125.jpg  
DSCN2126.jpg

+---73 Colonial Mall Hat Shack (Colonial Village Mall- Opelika, AL)

.\_DSCN2130.jpg  
.\_DSCN2131.jpg  
.\_DSCN2132.jpg  
.\_DSCN2133.jpg  
.\_DSCN2134.jpg  
.\_DSCN2135.jpg  
DSCN2130.jpg  
DSCN2131.jpg  
DSCN2132.jpg  
DSCN2133.jpg  
DSCN2134.jpg  
DSCN2135.jpg

+---74 Colonial Mall Team Fever (Colonial Village Mall- Opelika, AL)

.\_DSCN2137.jpg  
.\_DSCN2138.jpg  
.\_DSCN2139.jpg  
DSCN2137.jpg  
DSCN2138.jpg  
DSCN2139.jpg

+---75 Lenox Square Champs (Lenox Square Mall- Atlanta, GA)

.\_DSCN2143.jpg  
.\_DSCN2144.jpg  
.\_DSCN2145.jpg  
.\_DSCN2146.jpg  
.\_DSCN2147.jpg  
.\_DSCN2148.jpg  
.\_DSCN2149.jpg  
DSCN2143.jpg  
DSCN2144.jpg  
DSCN2145.jpg  
DSCN2146.jpg  
DSCN2147.jpg  
DSCN2148.jpg  
DSCN2149.jpg

+---76 Lenox Square Sports Ave (Lenox Square Mall- Atlanta, GA)

.\_DSCN2150.jpg  
.\_DSCN2151.jpg  
.\_DSCN2152.jpg  
.\_DSCN2153.jpg  
.\_DSCN2154.jpg  
.\_DSCN2155.jpg  
DSCN2150.jpg  
DSCN2151.jpg  
DSCN2152.jpg  
DSCN2153.jpg

DSCN2154.jpg  
DSCN2155.jpg

+---77 Greenbriar Mall Champs (Greenbriar Mall -  
Atlanta, GA)

.\_DSCN2166.jpg  
.\_DSCN2167.jpg  
DSCN2166.jpg  
DSCN2167.jpg

+---78 Northgate Lids (Northgate Mall -  
Durham, NC)

.\_DSCN2170.jpg  
.\_DSCN2171.jpg  
.\_DSCN2172.jpg  
.\_DSCN2173.jpg  
DSCN2170.jpg  
DSCN2171.jpg  
DSCN2172.jpg  
DSCN2173.jpg

+---79 Northgate Champs (Northgate Mall -  
Durham, NC)

.\_DSCN2175.jpg  
.\_DSCN2176.jpg  
DSCN2175.jpg  
DSCN2176.jpg

+---80 Westfields Lids (Westfields Shopping Town - San Diego, CA)

.\_DSCN2179.jpg  
.\_DSCN2180.jpg  
.\_DSCN2181.jpg  
.\_DSCN2182.jpg  
.\_DSCN2183.jpg  
.\_DS\_Store  
DSCN2179.jpg ✓  
DSCN2180.jpg ✓  
DSCN2181.jpg ✓  
DSCN2182.jpg  
DSCN2183.jpg ✓

+---81 Westfields Foot Locker (Westfields Shopping Town - San Diego, CA)

.\_DSCN2185.jpg  
.\_DSCN2186.jpg  
.\_DSCN2187.jpg  
.\_DSCN2188.jpg  
.\_DSCN2189.jpg  
DSCN2185.jpg  
DSCN2186.jpg  
DSCN2187.jpg  
DSCN2188.jpg  
DSCN2189.jpg

+---82 Westfields Sport Chalet (Westfields Shopping Town - San Diego, CA)

.\_DSCN2190.jpg  
.\_DSCN2191.jpg  
DSCN2190.jpg ✓  
DSCN2191.jpg ✓

## Glendale Galleria

- ProImage Signage
- Cap w/ Trojans "SC" baseball logo
- Trojans SC & Gamecocks side by side merchandise



# OPPOSER'S EXH. 330

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 338 Pg. No. \_\_\_\_.



OPPOSER'S EXH. 331

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 331, Pg. No.

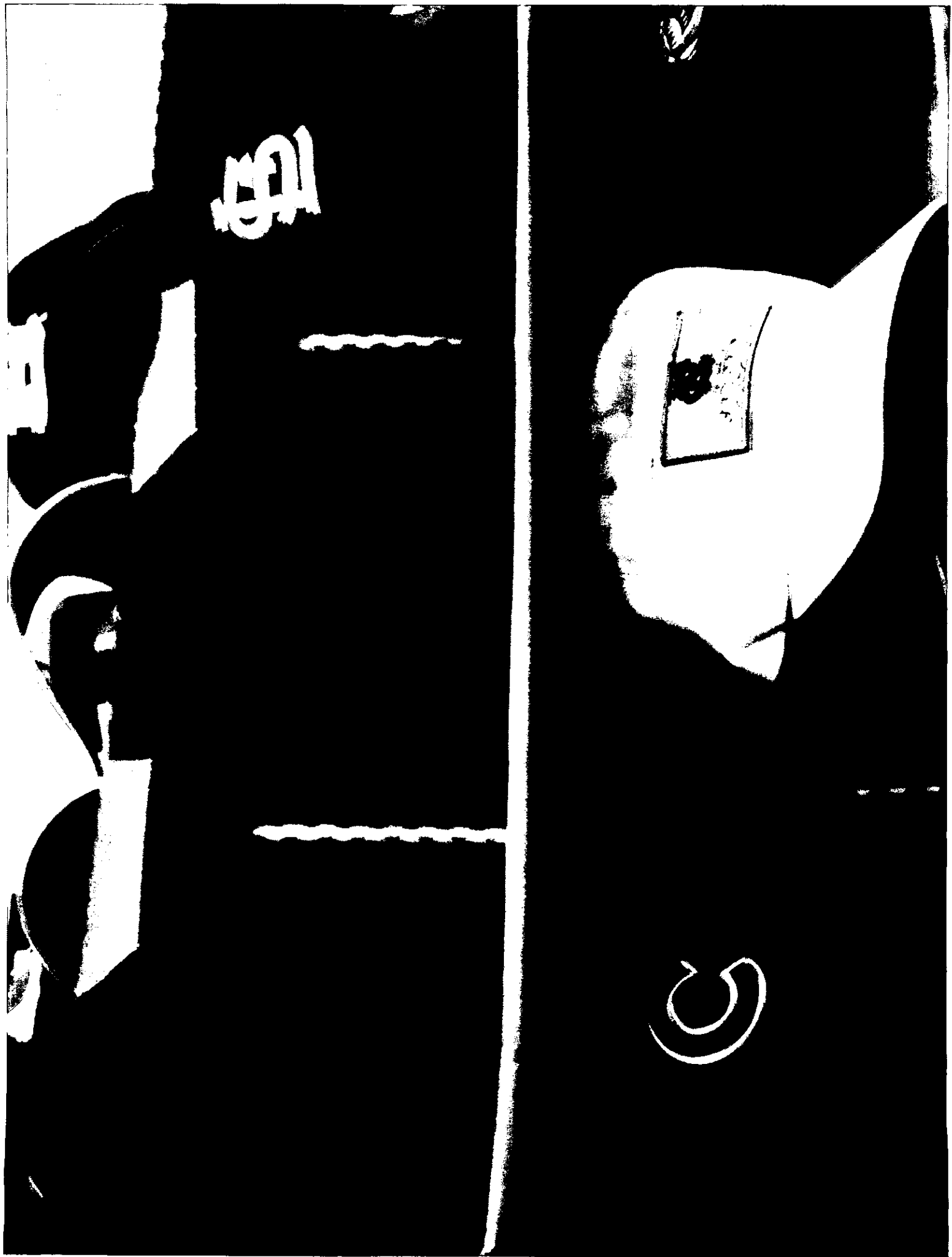


OPPOSER'S EXH. 332

# WALL STAR

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina  
Opposer's  
Ex. No. 332 Pg. No. \_\_\_\_





# OPPOSER'S EXH. 333

CHAMPS  
Sports

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 333, Pg. No.



T

132



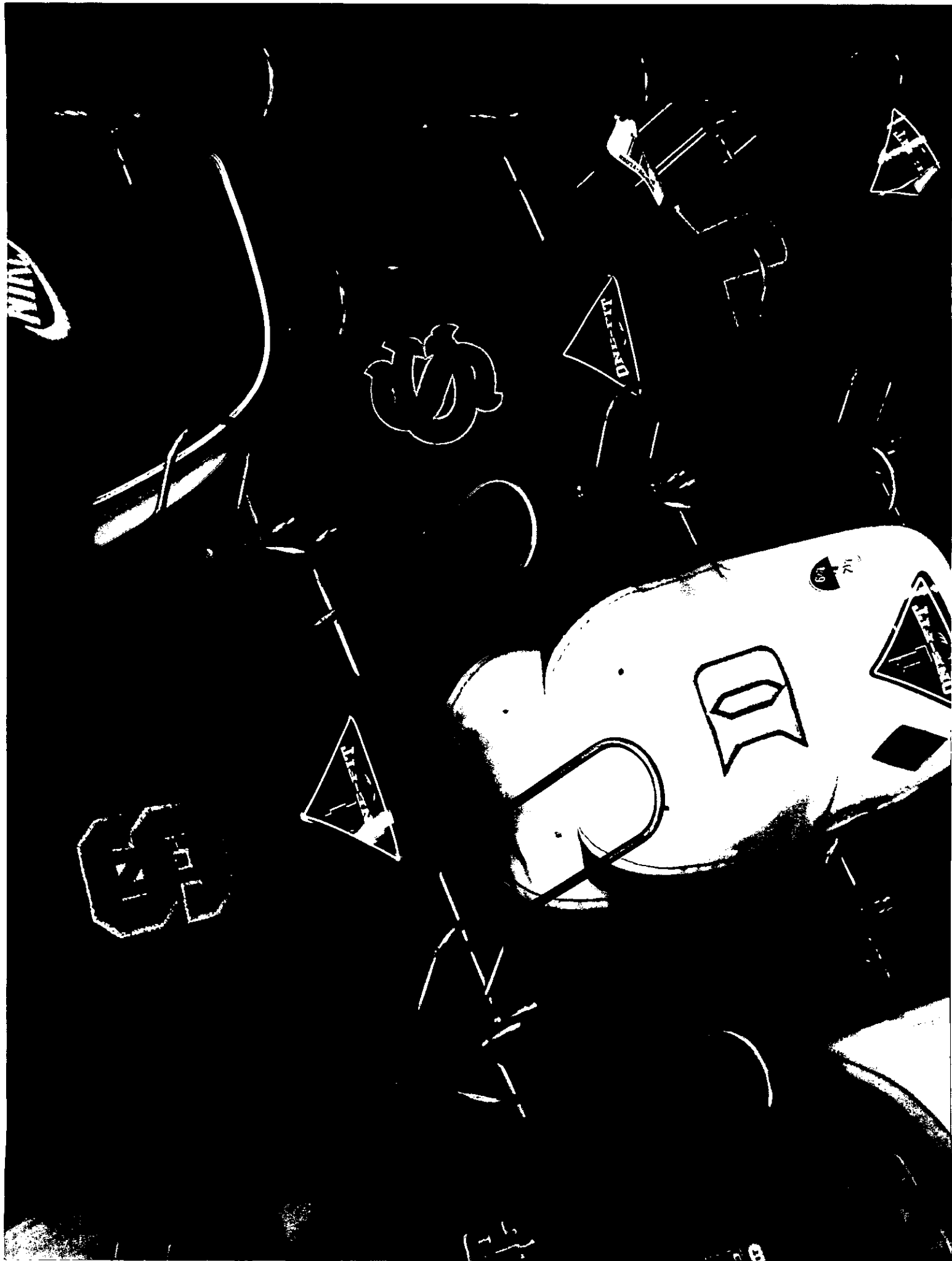
IRISH



MA

WE





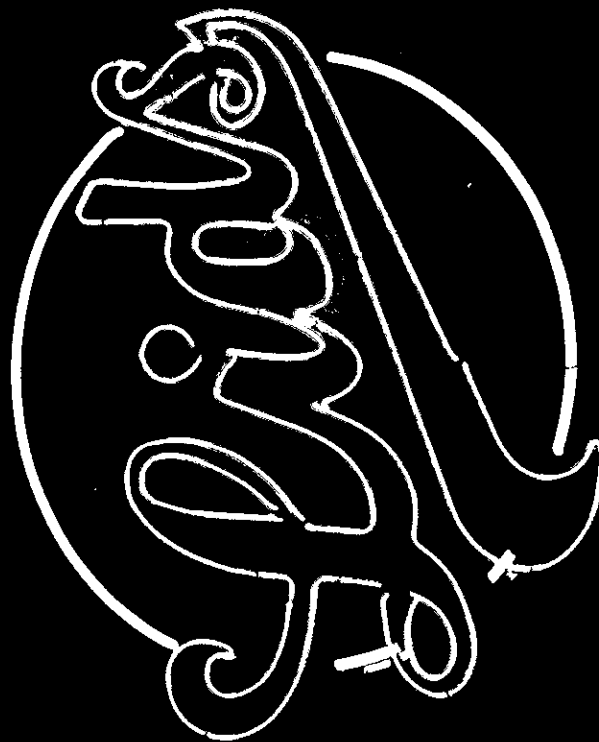
CONFESSION

DISC  
TRANSFORM...  
...



OPPOSER'S EXH. 334

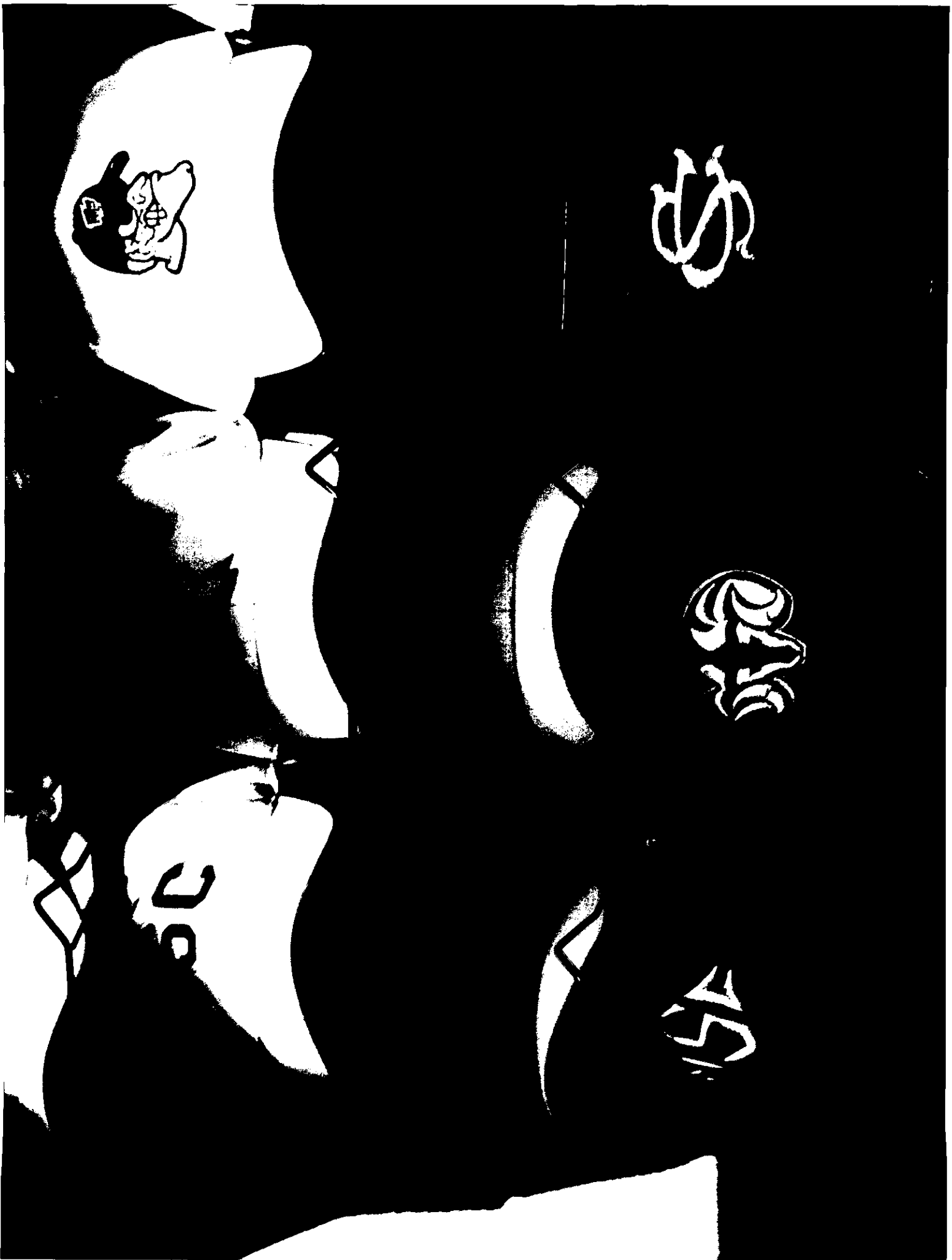




Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 334, Pg. No. \_\_\_\_.





# OPPOSER'S EXH. 305



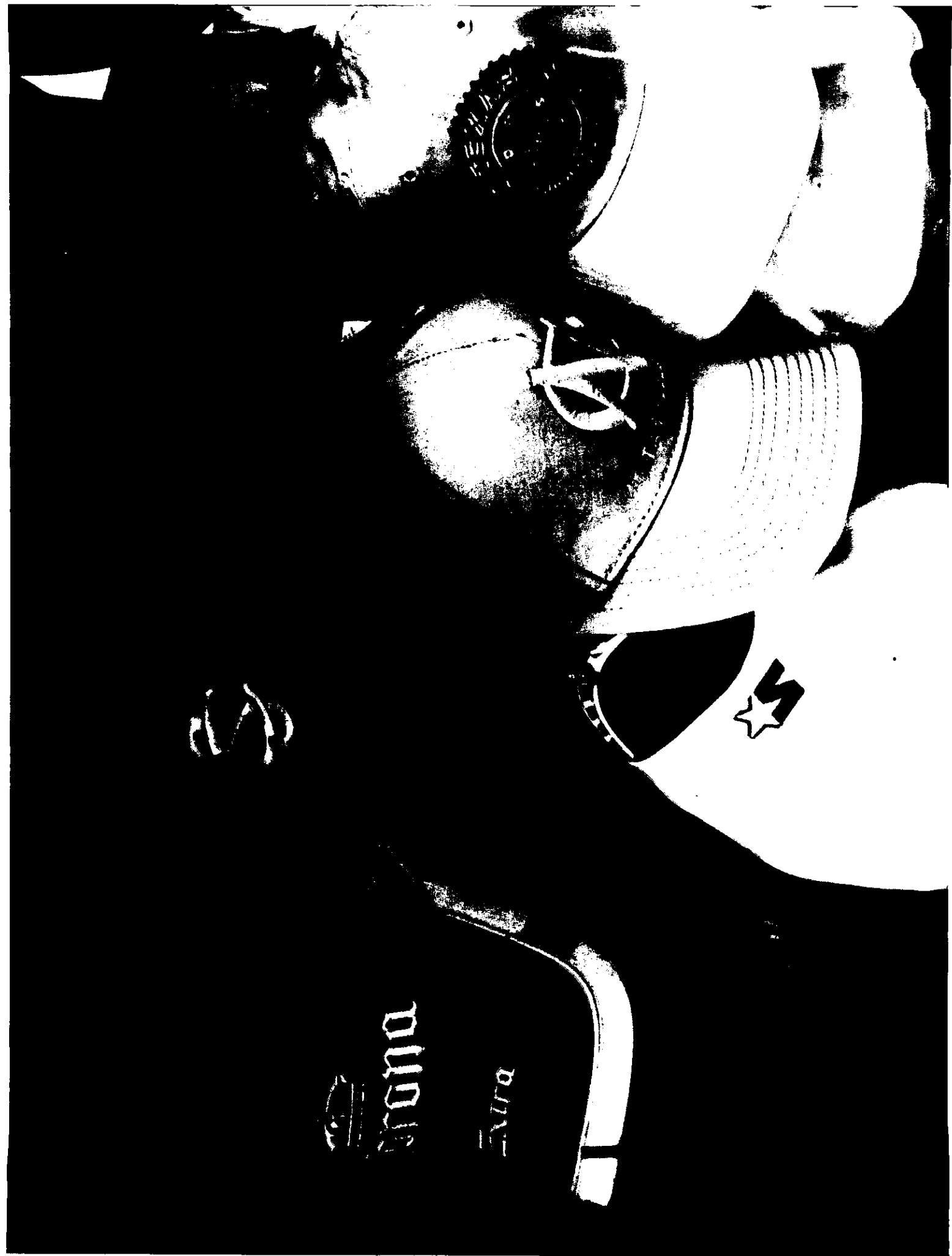
# WAL-MART

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 365, Pg. No. \_\_\_\_.









OPPOSER'S EXH. 307

# JC Penney

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 307, Pg. No. 1

Q

Q

Q

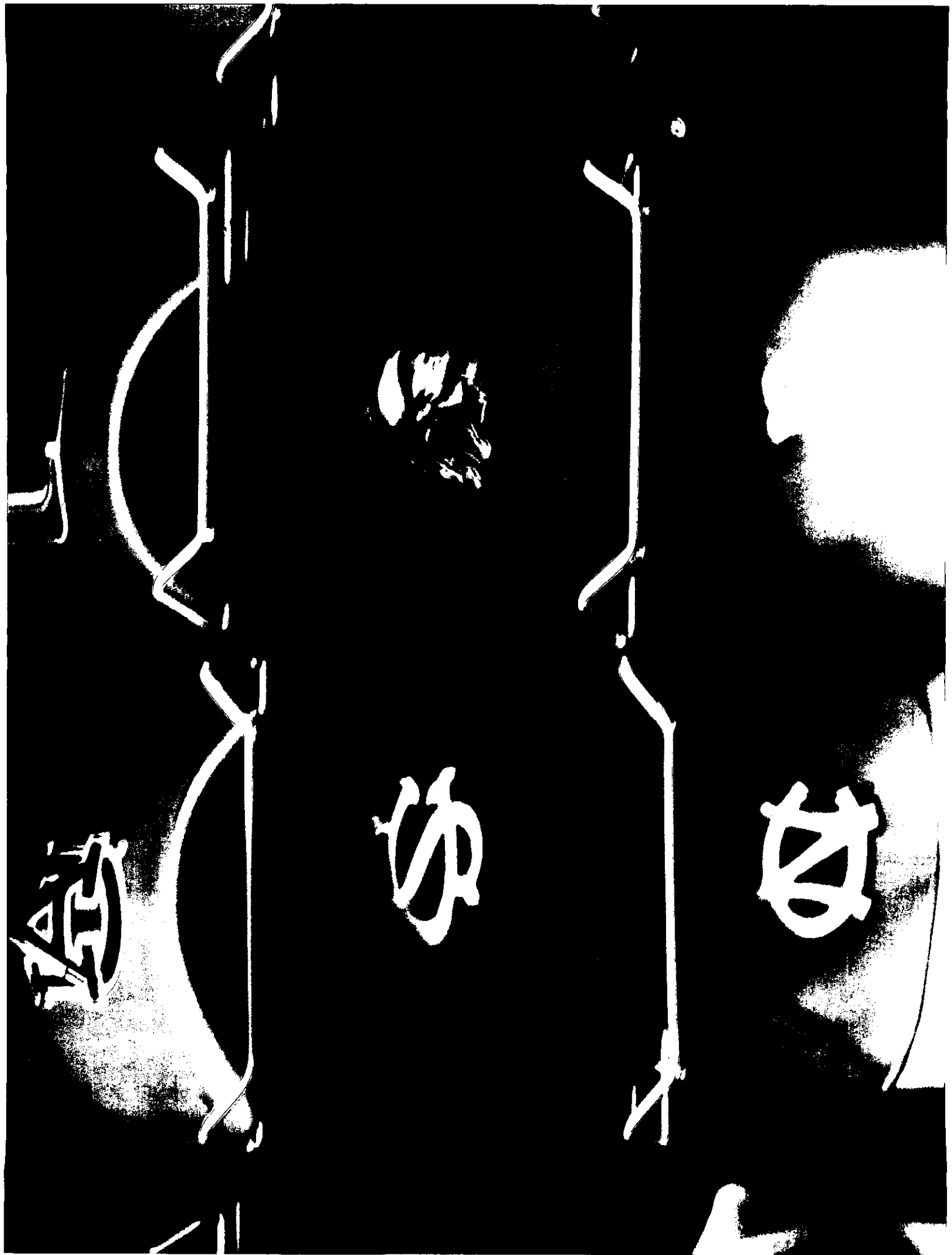
Q

OPPOSER'S EXH. 306

Lids

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 300, Pg. No.



# OPPOSER'S EXH. 335





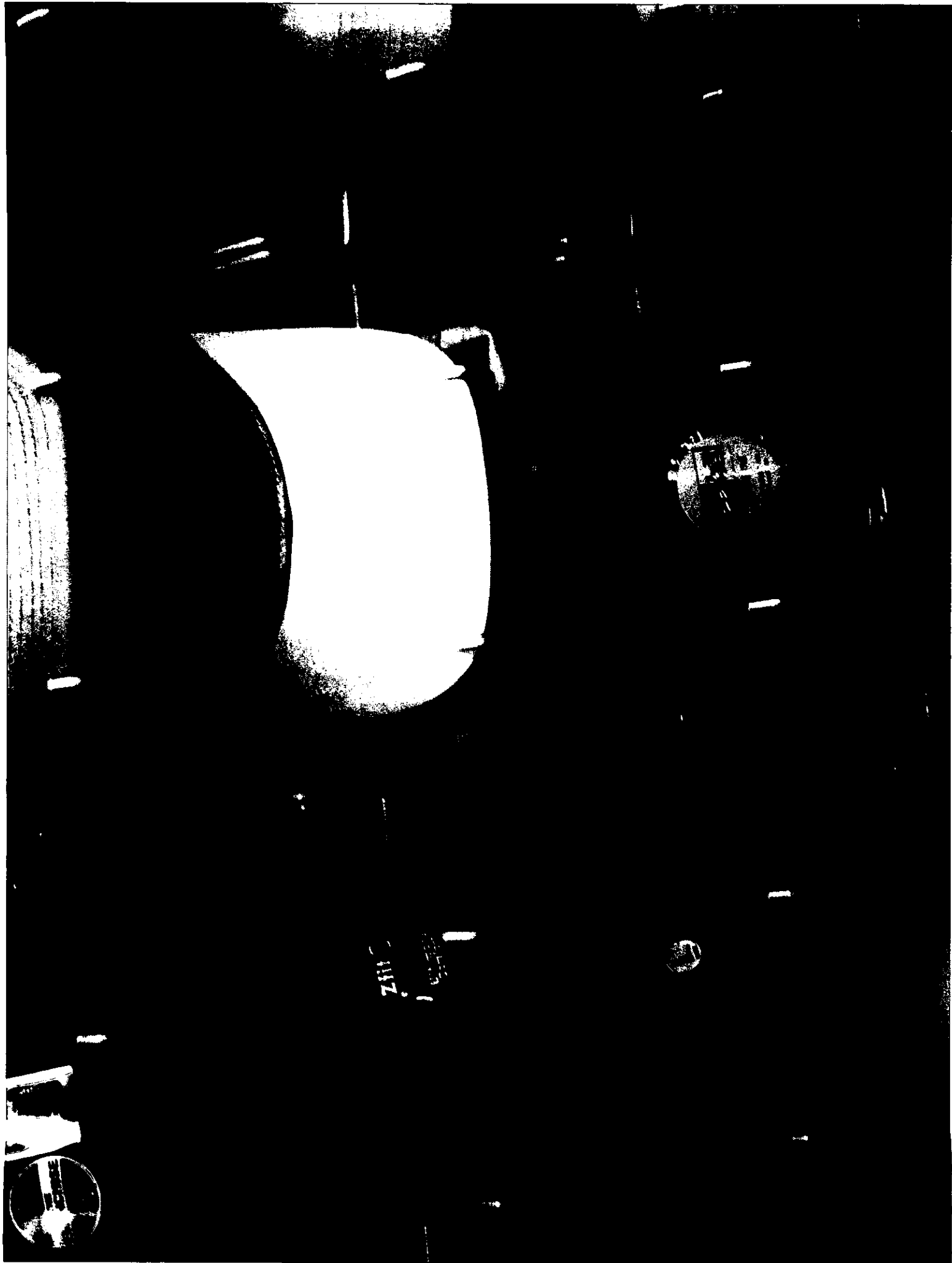
# SPORTS

## MOMENTS & MEMORIES

Opposition No. 91125615  
 Univ. Southern California v.  
 Univ. South Carolina

Opposer's  
 Ex. No. 335, Pg. No.







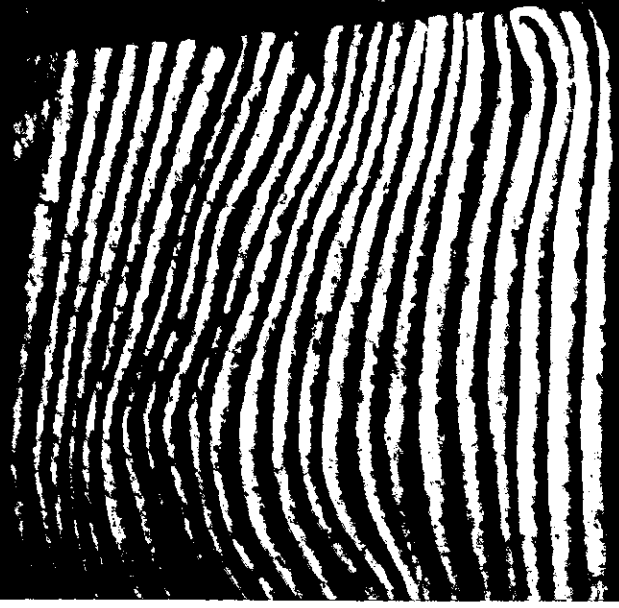
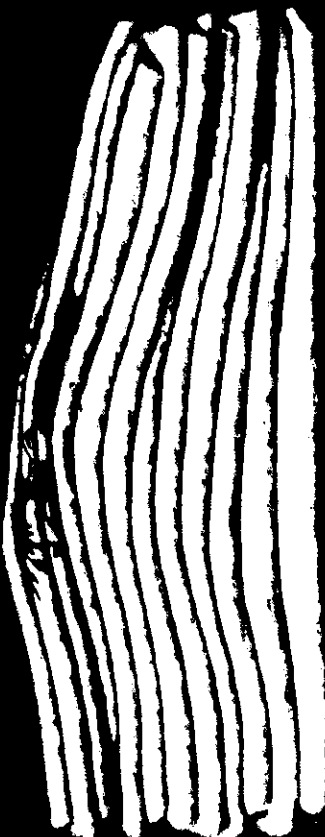






ATINIA

ATINIA



Handwritten notes in Arabic script, including the word "مكتبة" (Library) and "مكتبة" (Library).

Handwritten notes in Arabic script, including the word "مكتبة" (Library) and "مكتبة" (Library).

OPPOSER'S EXH. 336

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's

Ex. No. 336, Pg. No. 1



1943

1943

1943

1943



OPPOSER'S EXH. 337

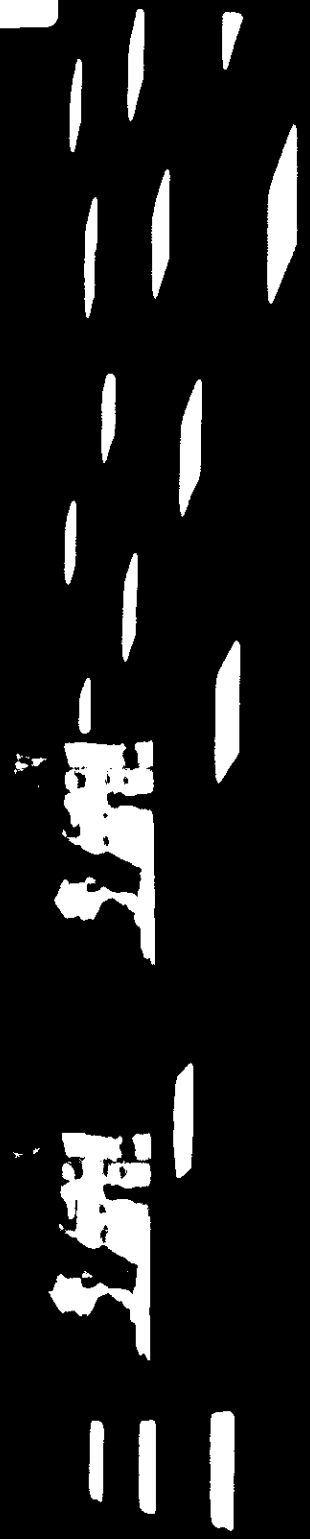
# STEVE & BARRY'S UNIVERSITY SPORTSWEAR

GRAND  
OPENING

98  
06

Opposer's  
Ex. No. 337, Pg. No.     

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



87

88

THE GREAT  
SOUTHERN







OPPOSER'S EXH. 338

Opposer's  
Ex. No. 33, Pg. No.    .

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

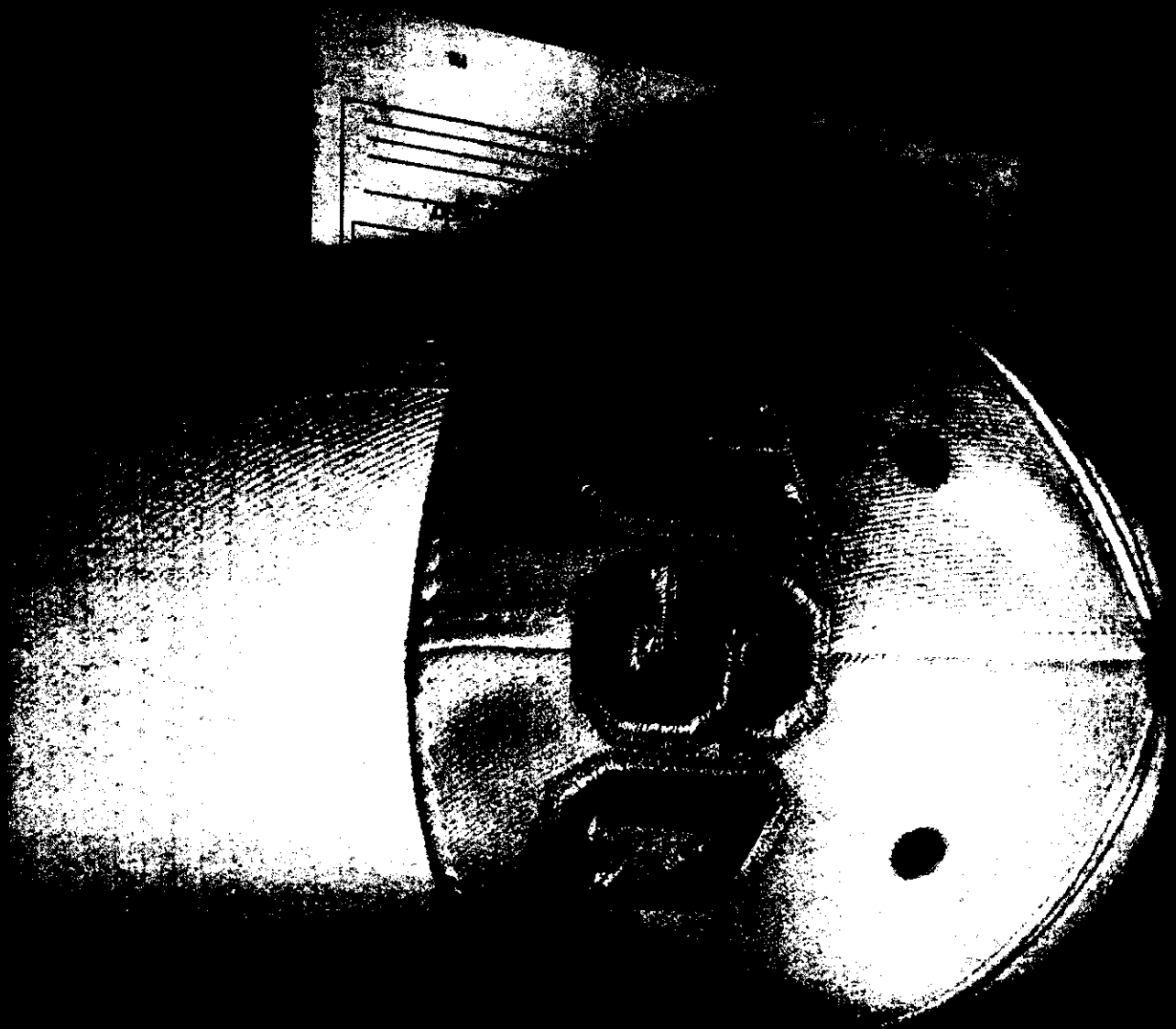




No. 104  
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104

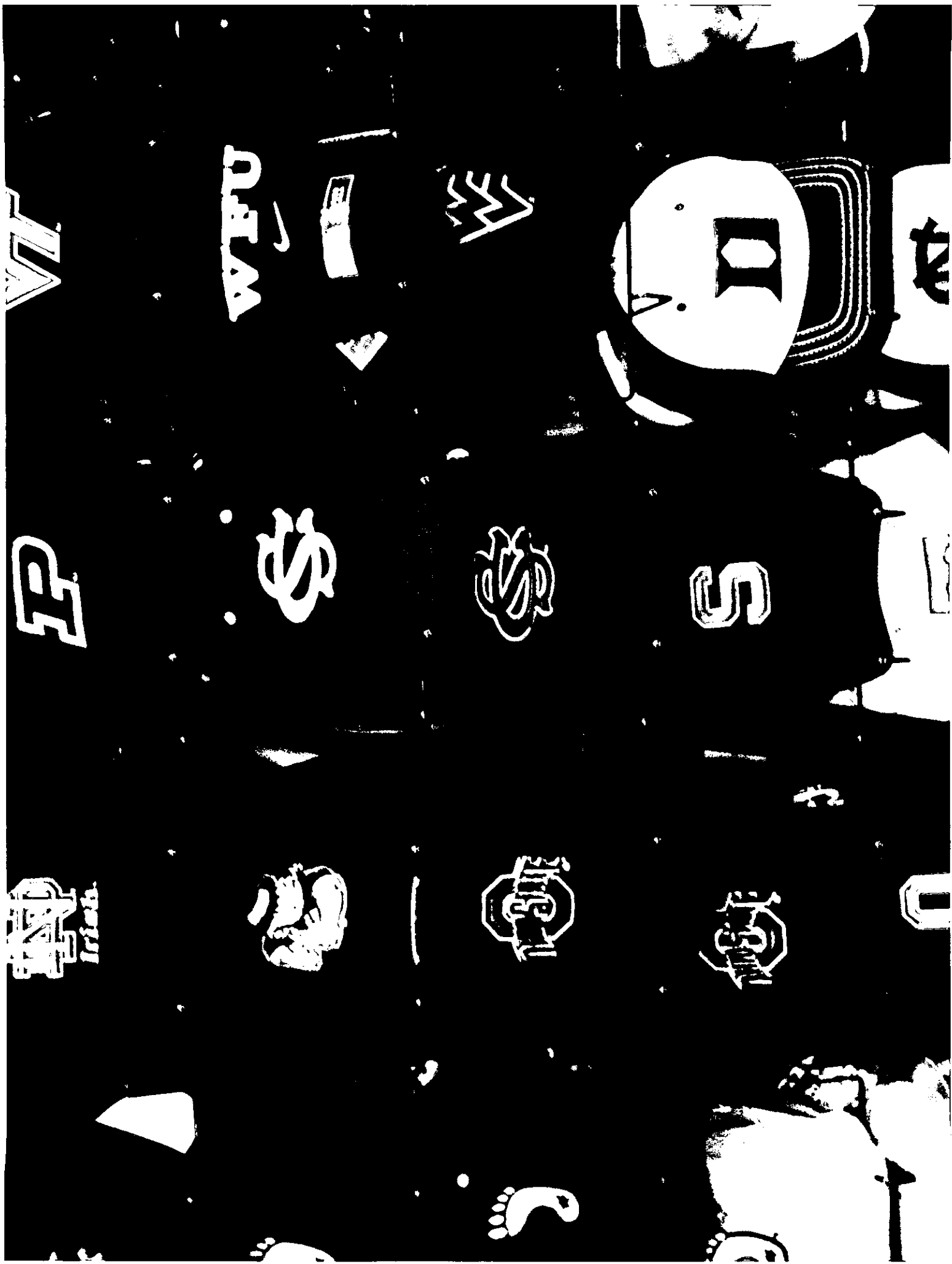
104  
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OPPOSER'S EXH. 339

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 337, Pg. No. ---





MICHIGAN



TEXAS



ST. LOUIS



ST. LOUIS

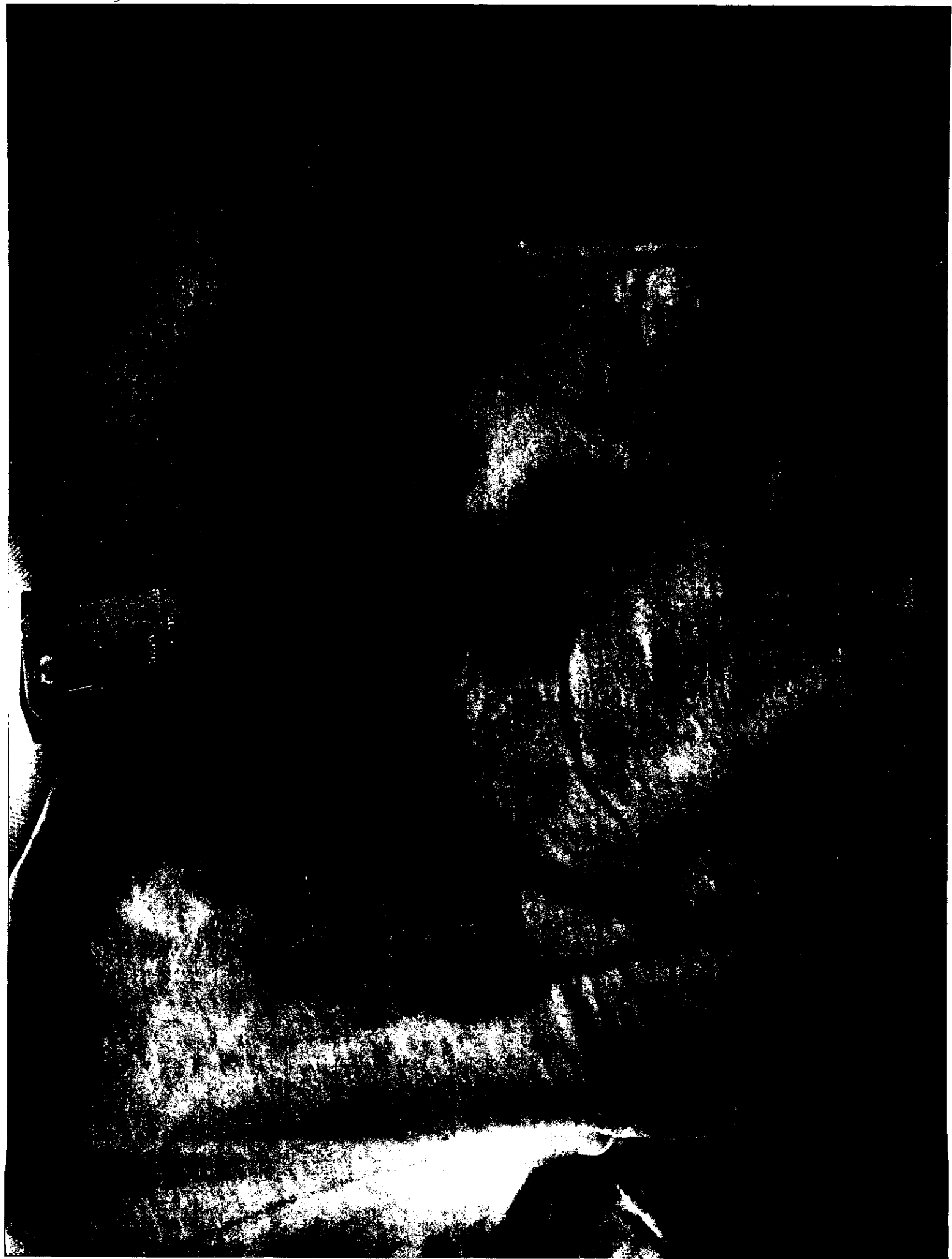


# OPPOSER'S EXH. 340

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 346, Pg. No. \_\_\_\_\_





OPPOSER'S EXH. 341



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 241, Pg. No. 1



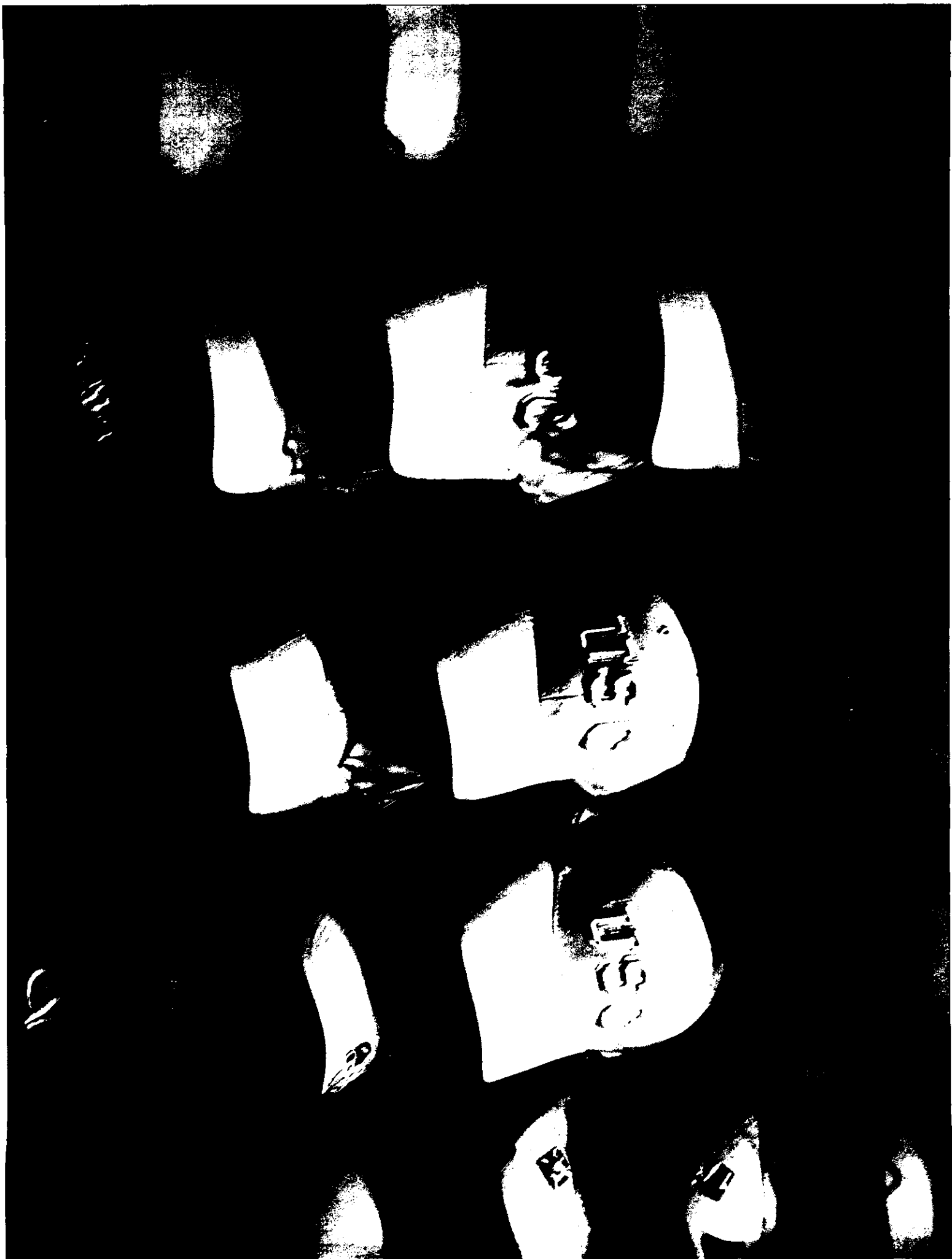


OPPOSER'S EXH. 342



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 342, Pg. No.



OPPOSER'S EXH. 343

**Lids**

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 313, Pg. No.

Dr.

11  
C

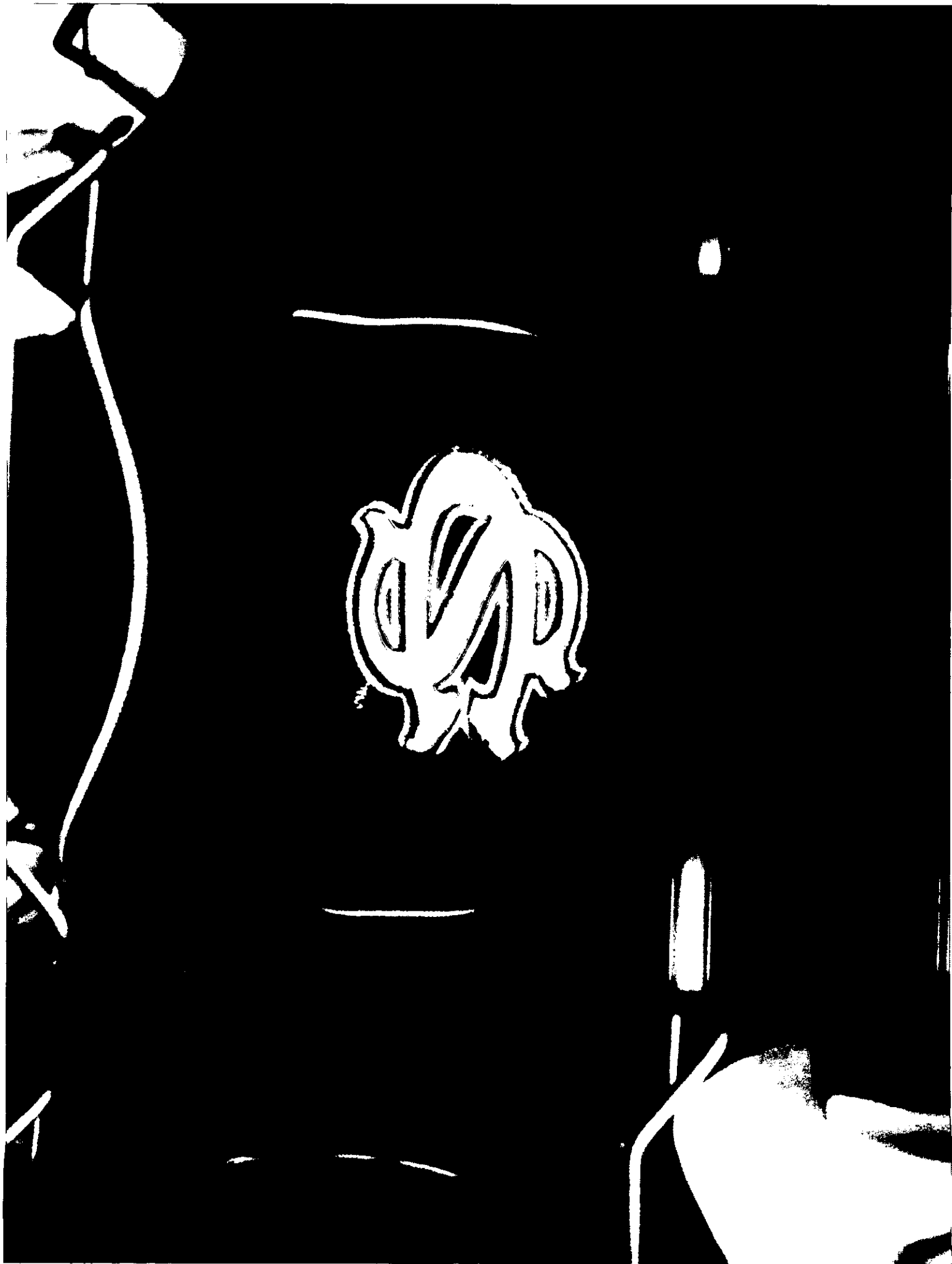
11  
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OPPOSER'S EXH. 344

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 344, Pg. No. \_\_\_\_





SOUTH  
CAROLINA

DEPT

25

(12)

OPPOSER'S EXH. 345

9-20-84

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

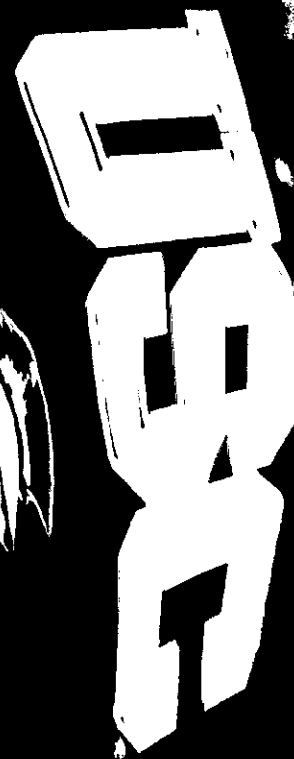
Opposer's  
Ex. No. 345, Pg. No. 1



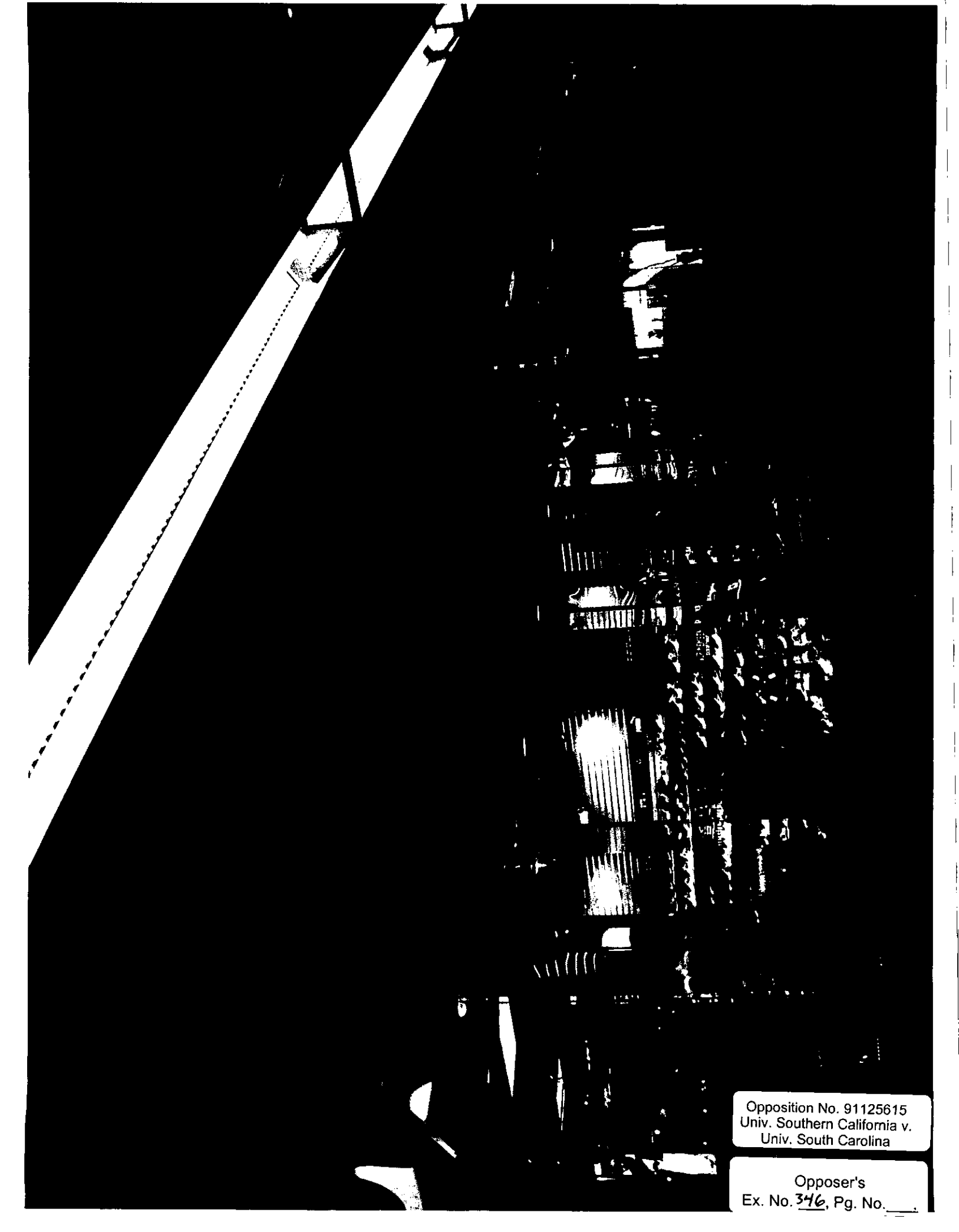
REPORT

BOOK

000000



OPPOSER'S EXH. 346



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 346, Pg. No.



OPPOSER'S EXH. 347



# CHAMPS

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 347, Pg. No.



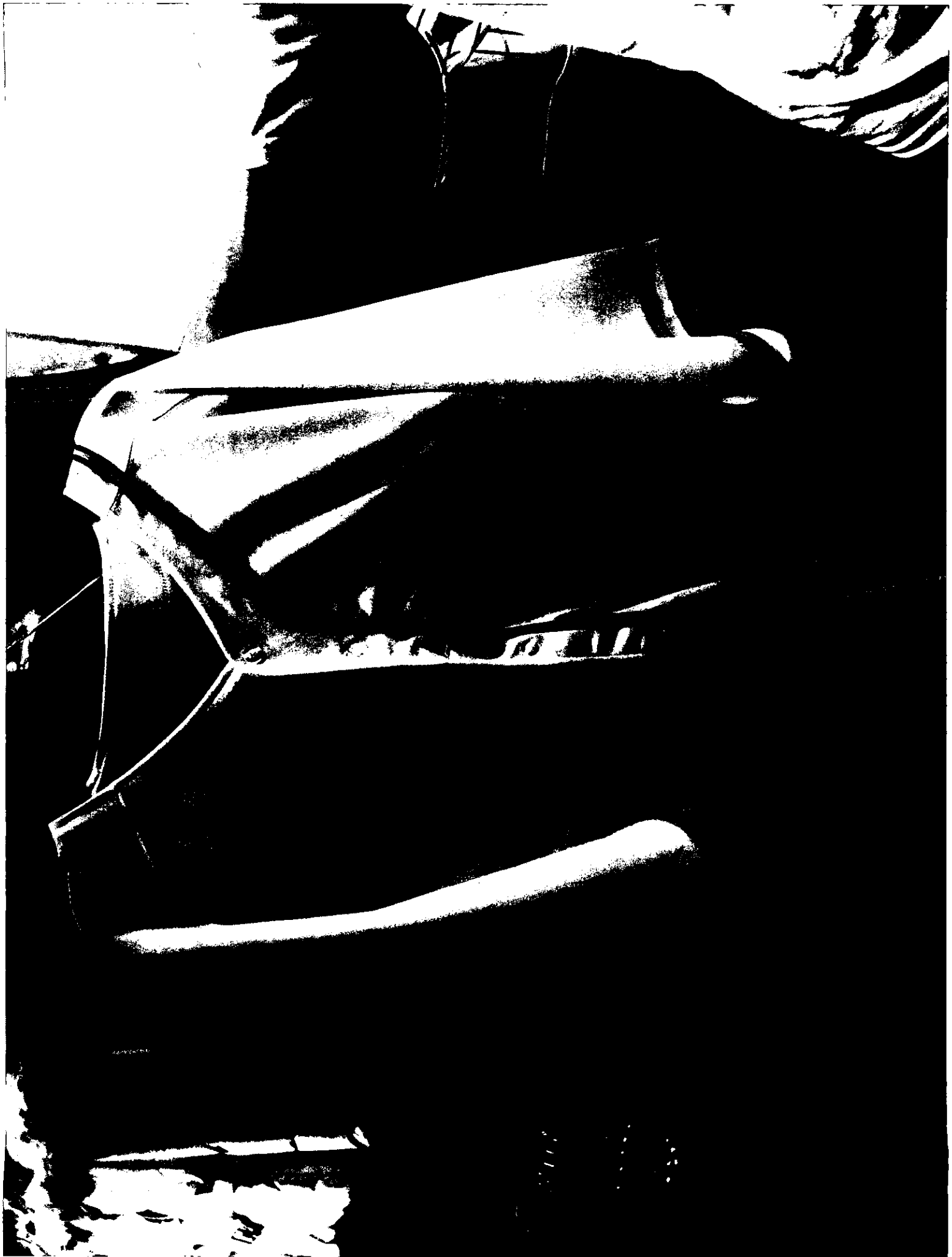


OPPOSER'S EXH. 348

**PLAYERS**

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 348, Pg. No.







# OPPOSER'S EXH. 349

CHAMPS  
CHAMPS

OUT

OUTDOOR

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 349, Pg. No.



GO









# SPORTS AND FITTING



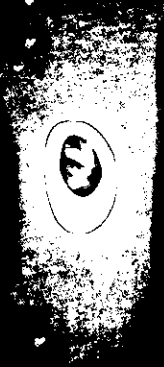
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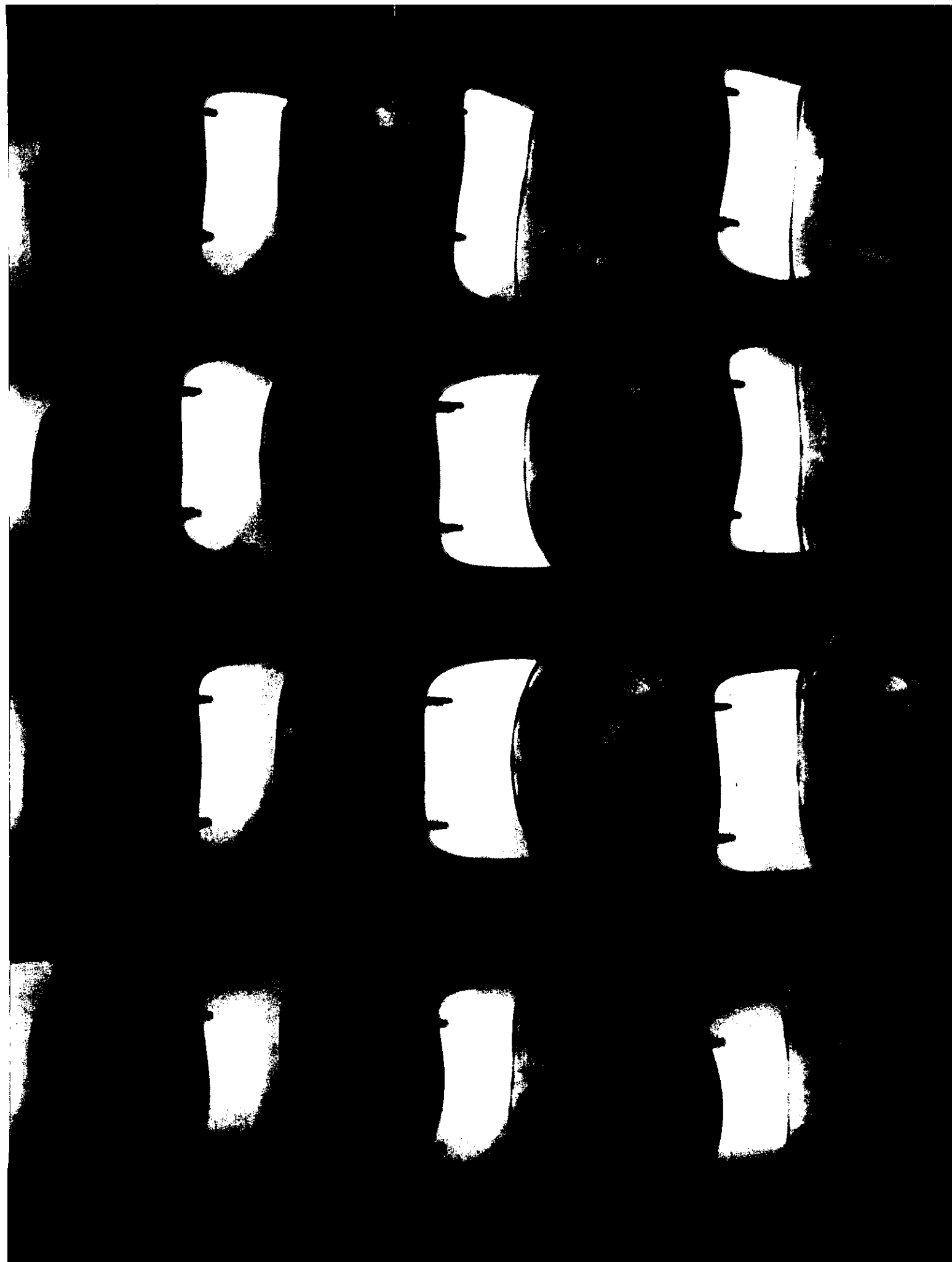
NO

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OST

LSU

MAHON





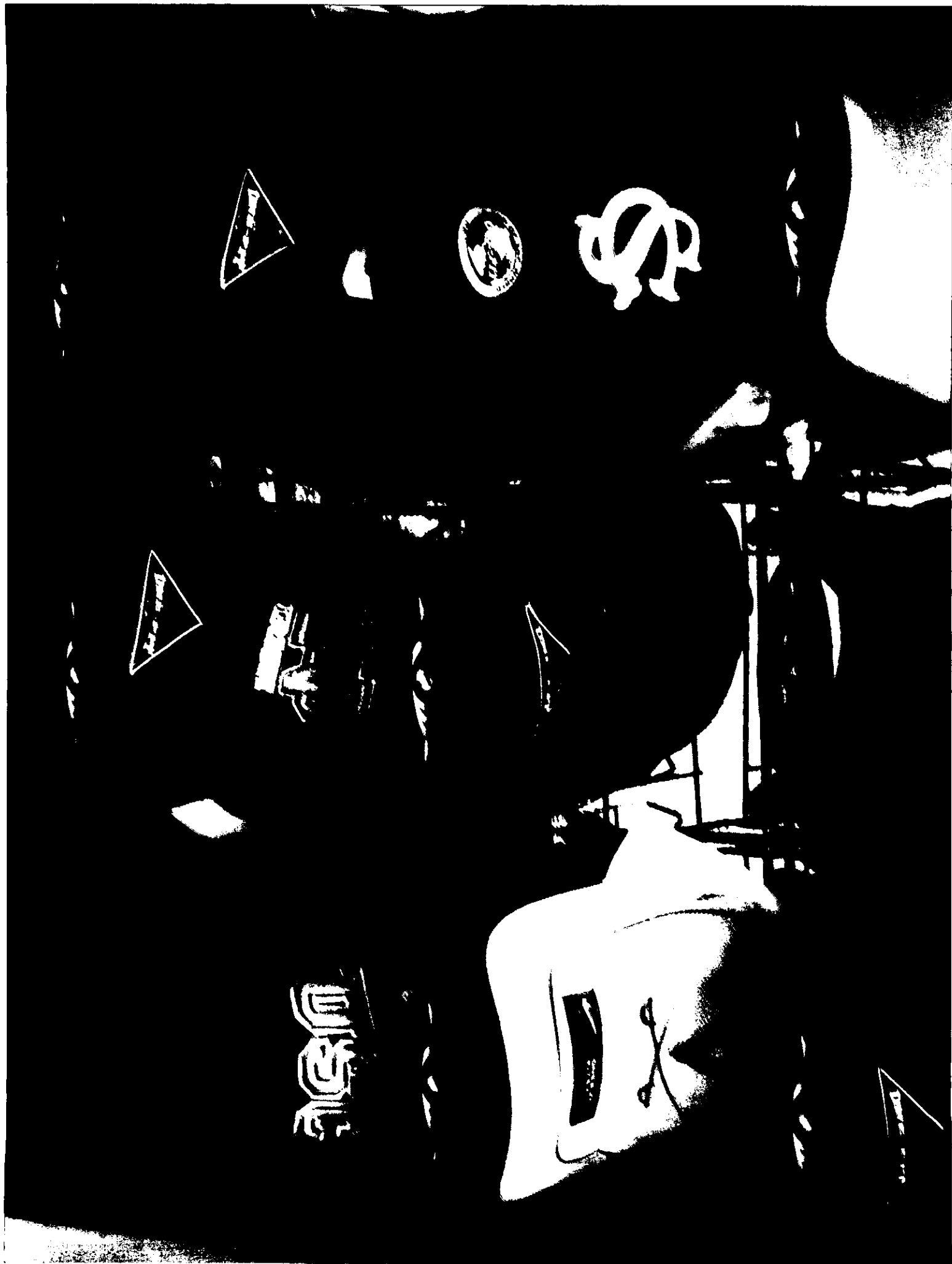


PRO-IMAGE

ЗЕРНУР  
THE 7 HAT

ЗЕРНУР  
THE 7 HAT









University of  
South Carolina  
College of  
Business

University of  
South Carolina  
College of  
Business

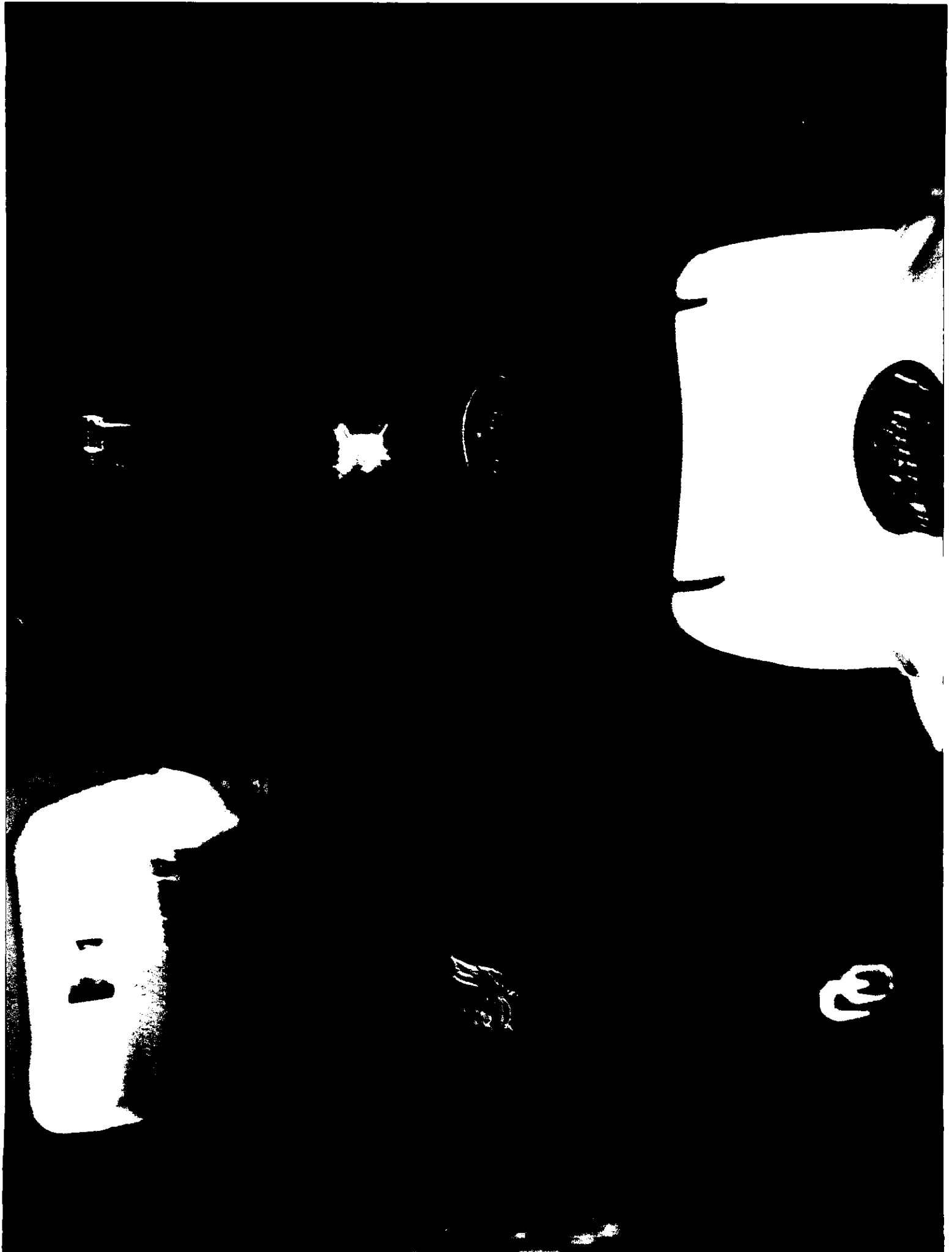


GAMECOCKS

LA









AROLDIN TEXA

151

TEXA

INMILDS

01

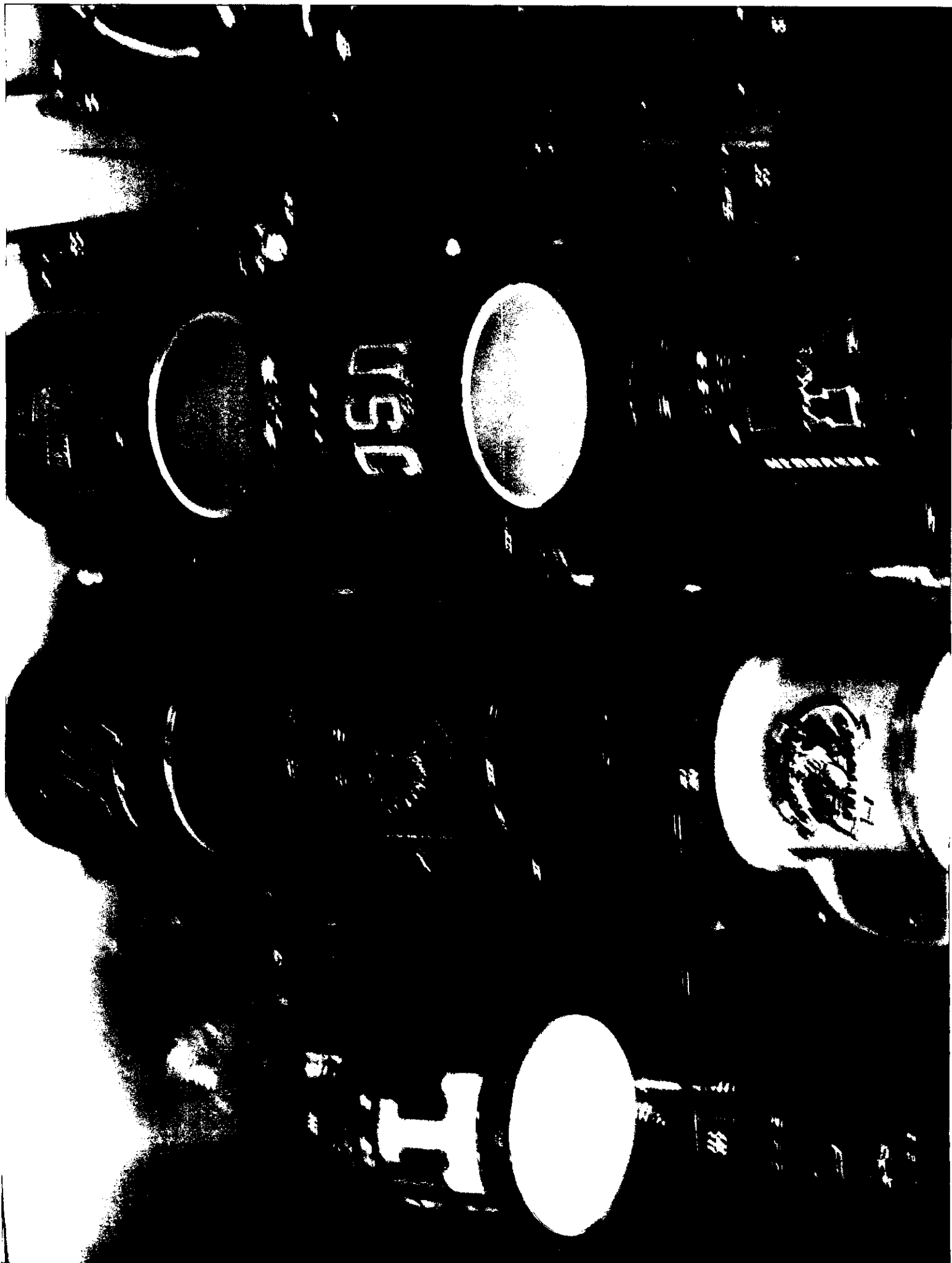
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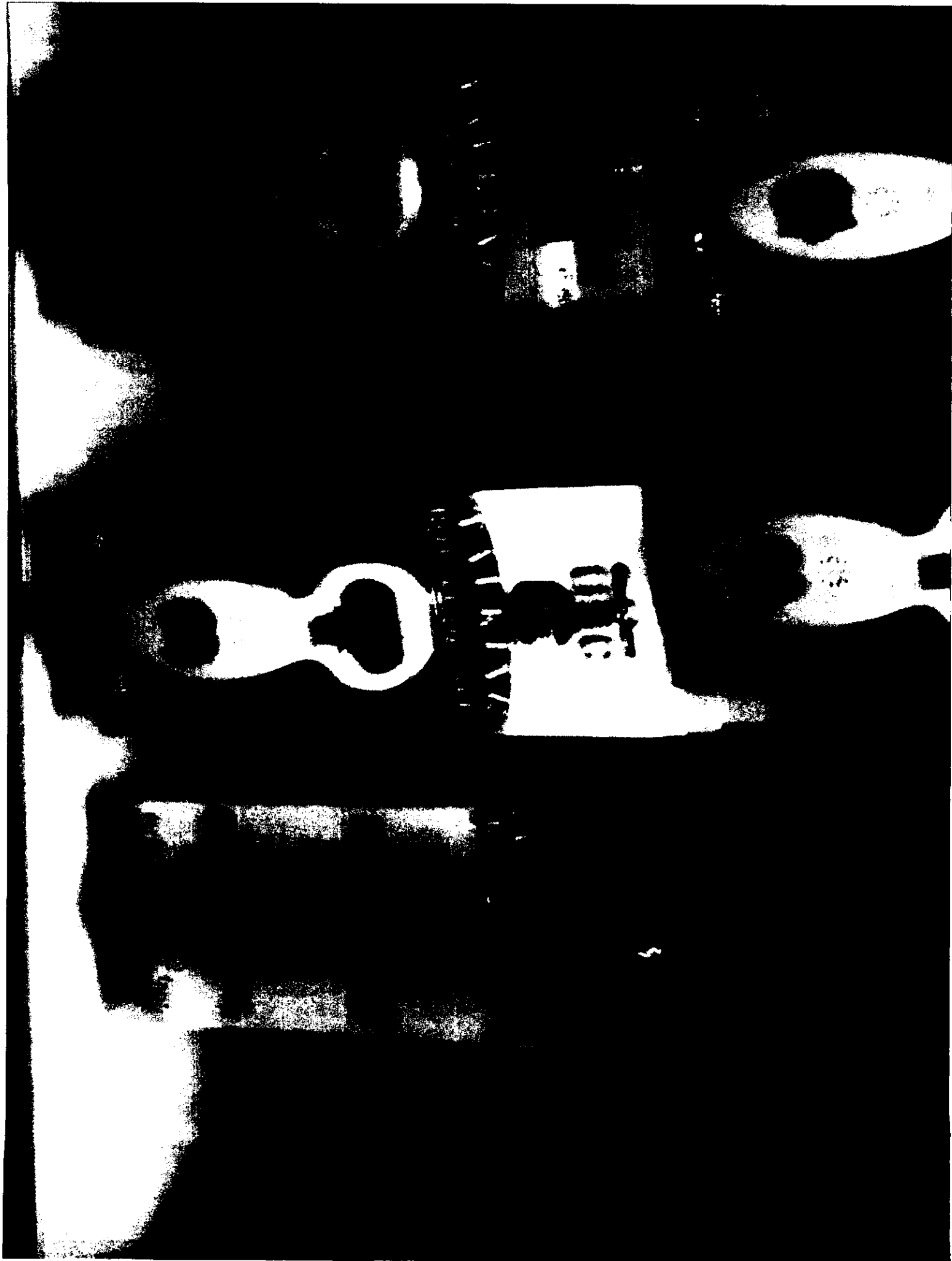


EDMUND

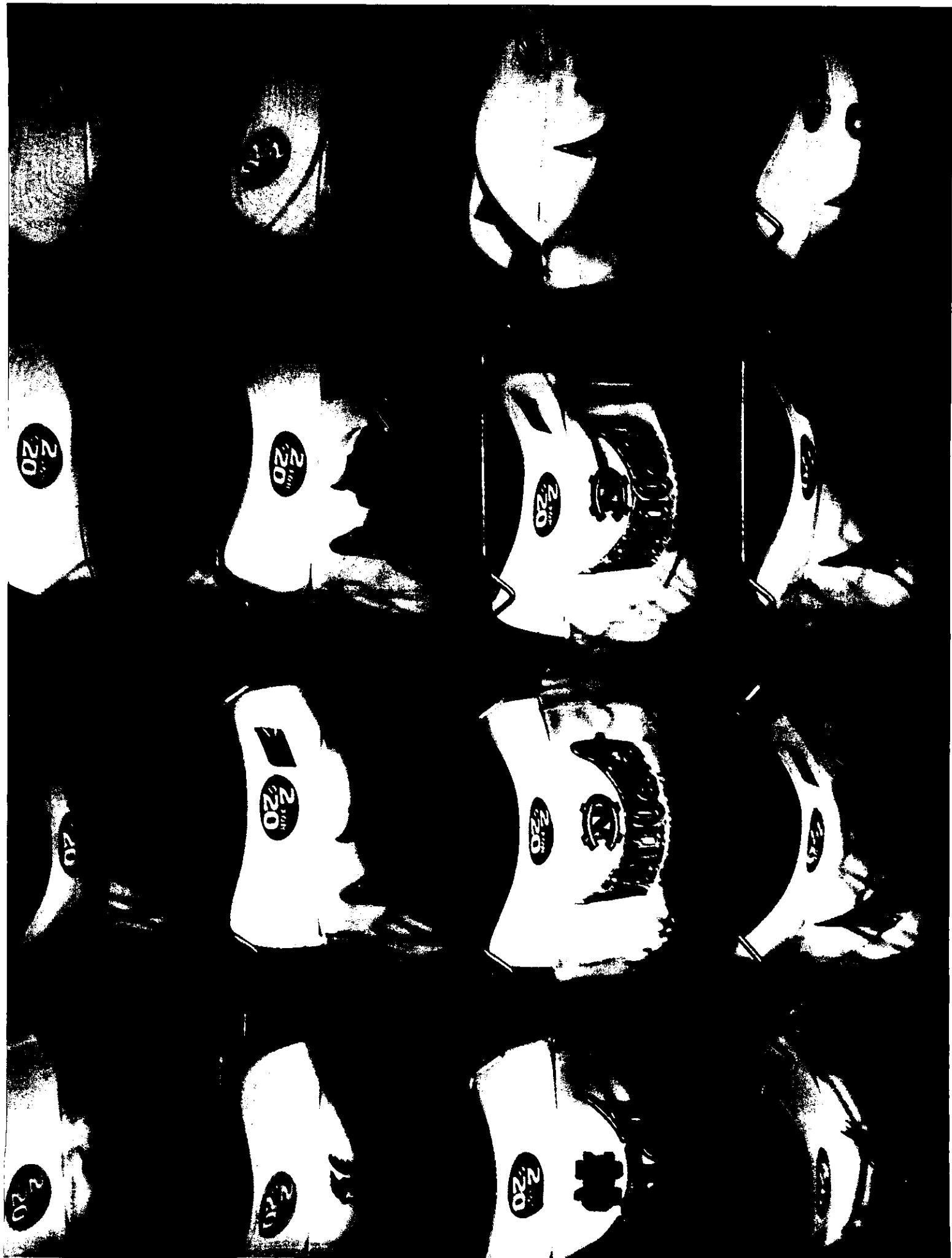
EDMUND



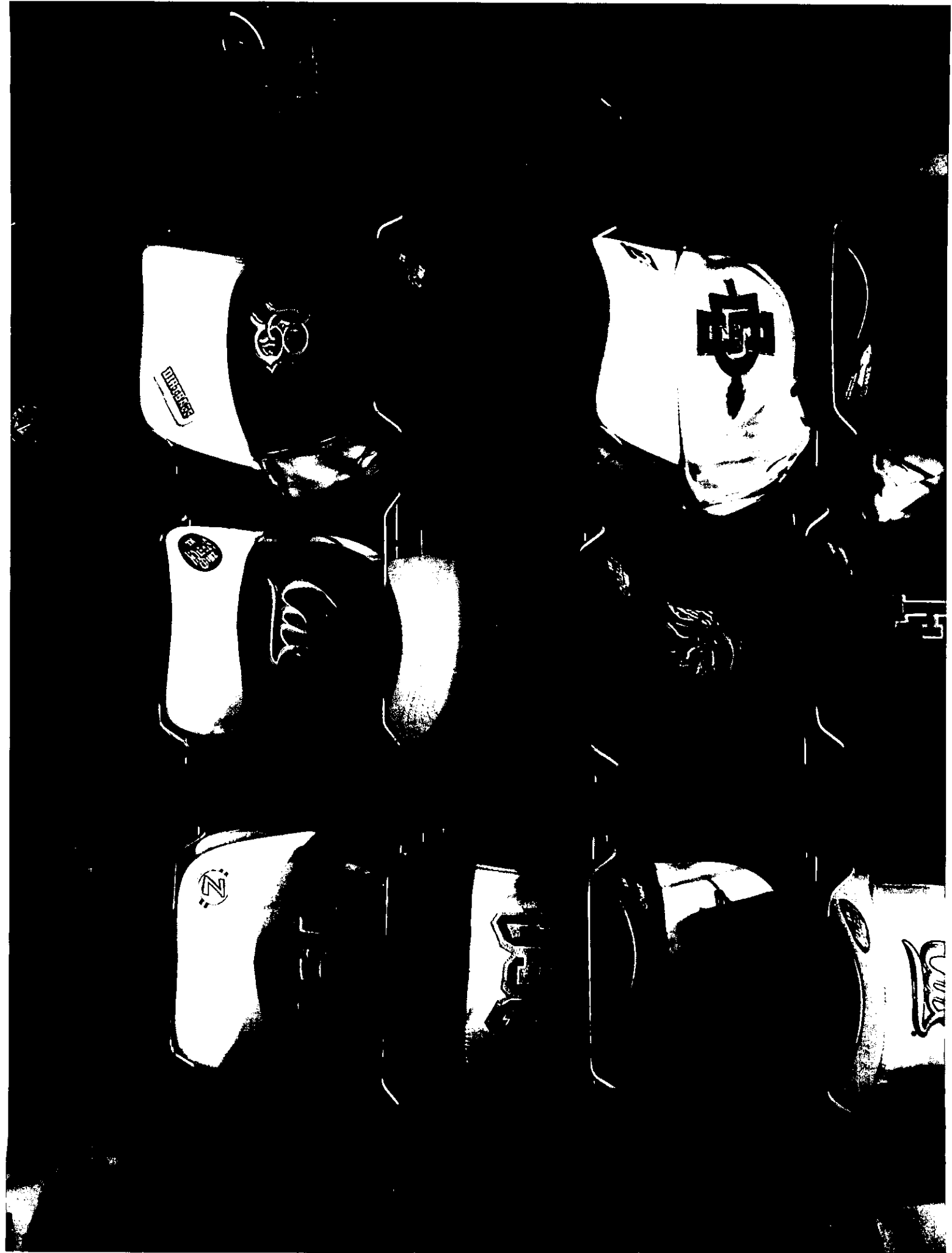


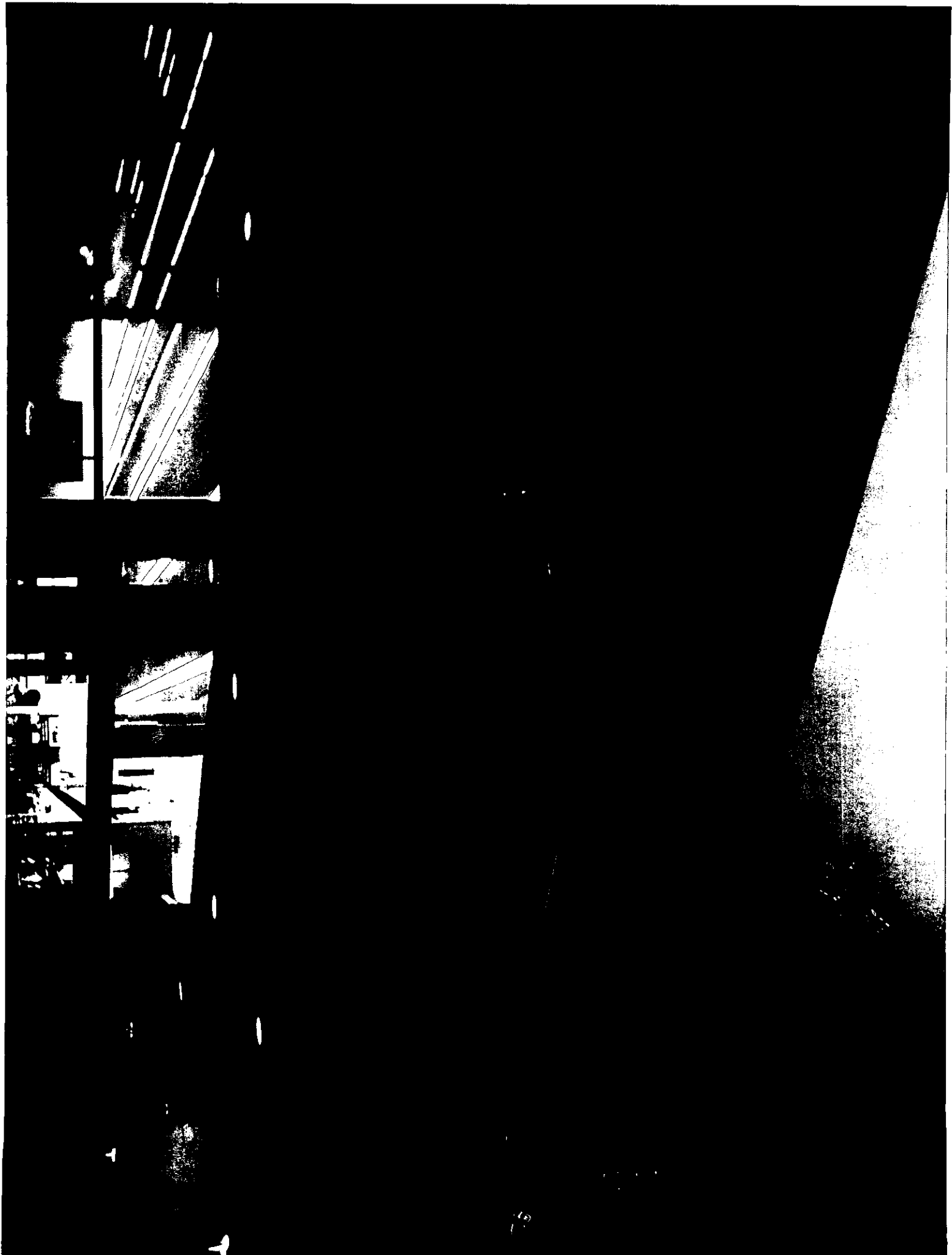


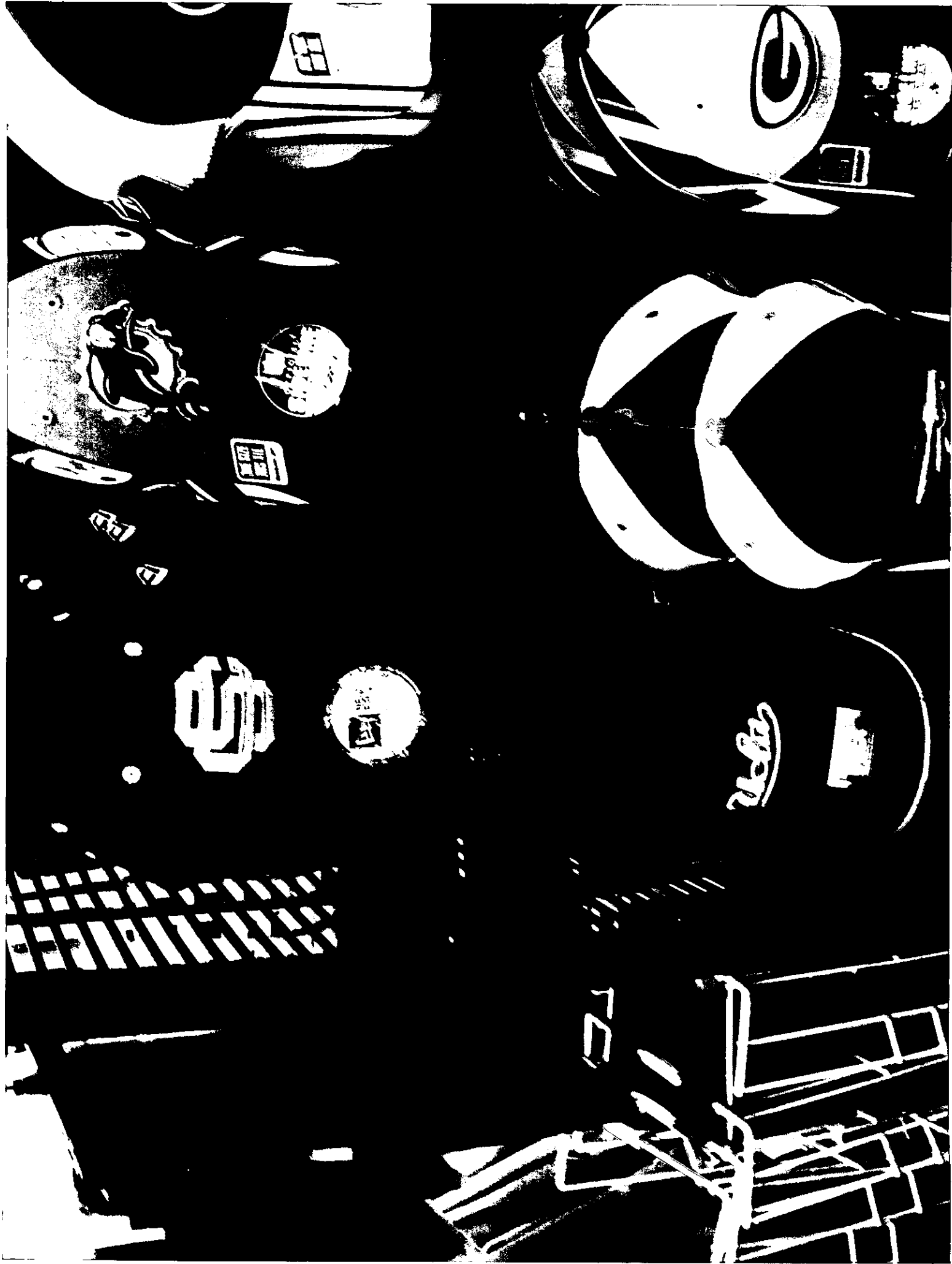
Lids



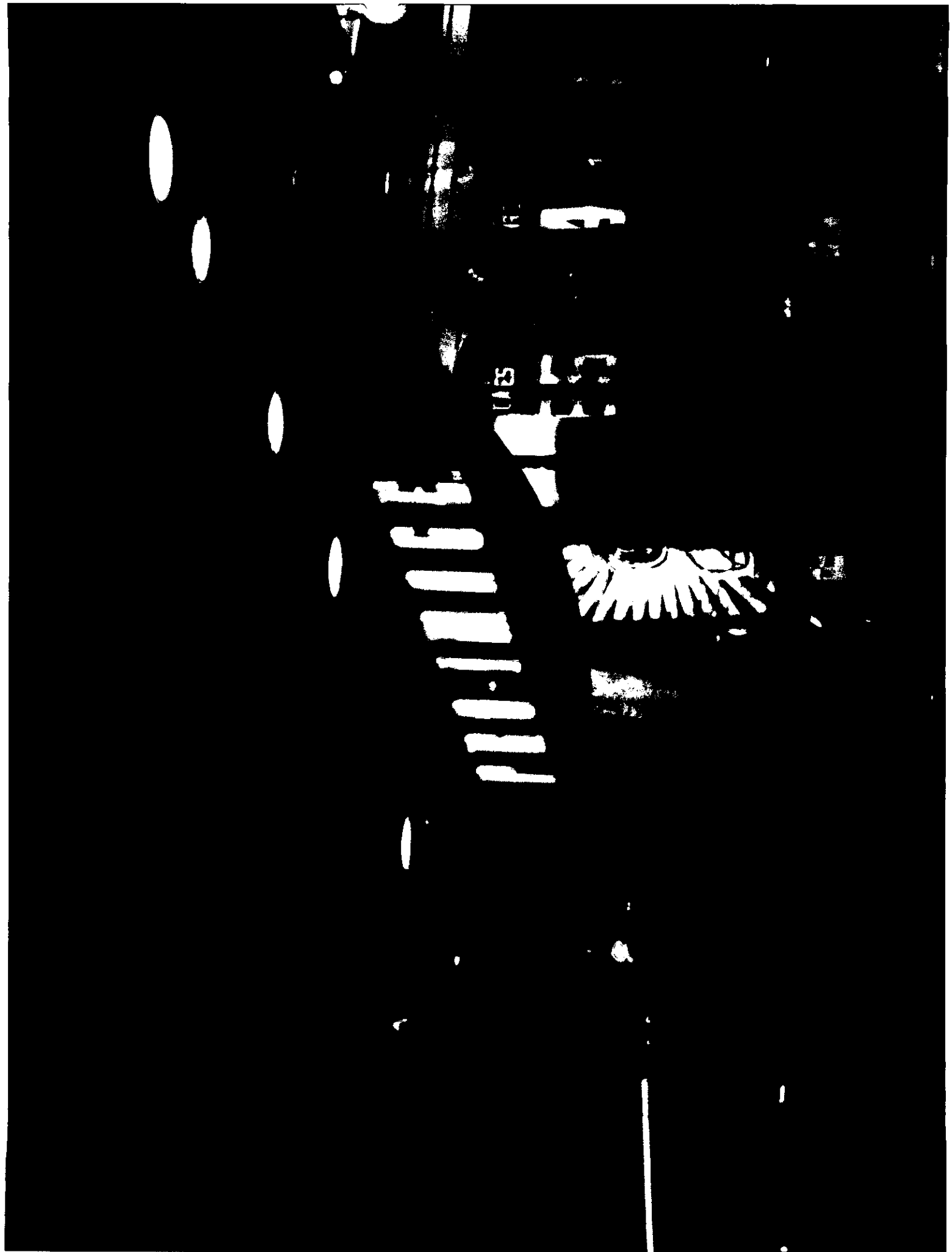




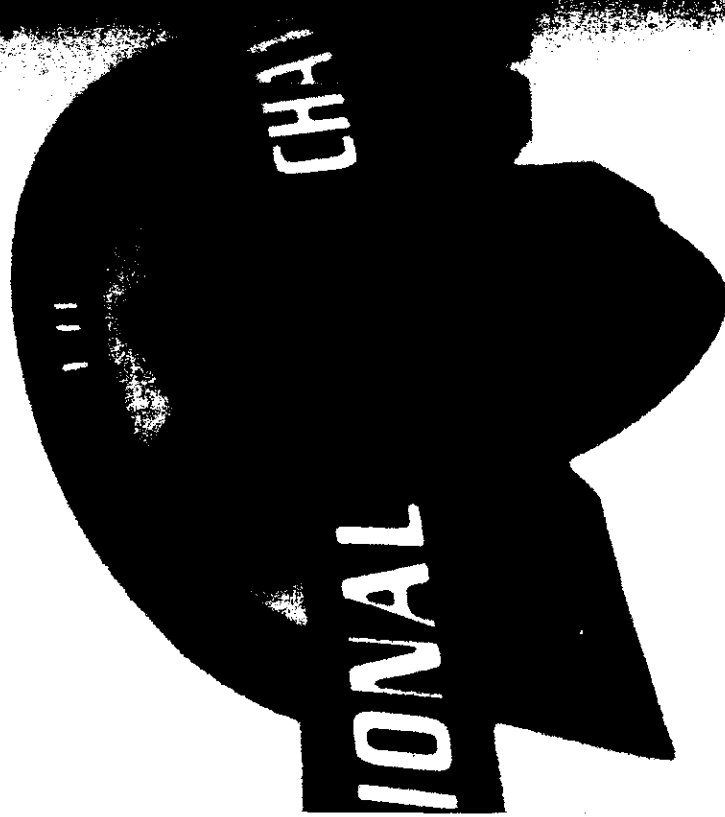












UP

Web

Web

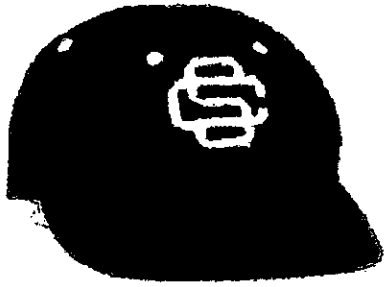


# APPLICANT'S EXH. 1



Def(s) 9 Plf(s) \_\_\_\_\_ EXHIBIT for I.D.  
LINDA A. BANKEY, CSR # 7993  
Date: 8-17-05  
Witness: Stimmler

# APPLICANT'S EXH. 2



Deft(s) 8 PII(s) EXHIBIT for I.D.  
LINDA A. BANKEY CSR # 7993  
Date: 8-7-05  
Witness: Stimmler

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



# APPLICANT'S EXH. 3



10  
Deft(s) \_\_\_\_\_ Plt(s) \_\_\_\_\_ EXHIBIT for I.D.  
LINDA A. BANKEY, CSR # 7993  
Date: 8-17-05  
Witness: 84immer

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

# APPLICANT'S EXH. 23

# FIELD OF DREAMS

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 23

Donny Williams

LOS ANGELES

*Dodgers*  
**DODGERS**

*Trojans* University of

**S**outhern California

**OAKLAND**

PAIDERS

7/17

# APPLICANT'S EXH. 24

# CHAMPS

S P O R T S

CHAMPS  
SPORTS

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 24



*Wicker*

2004

2004

2004



USC

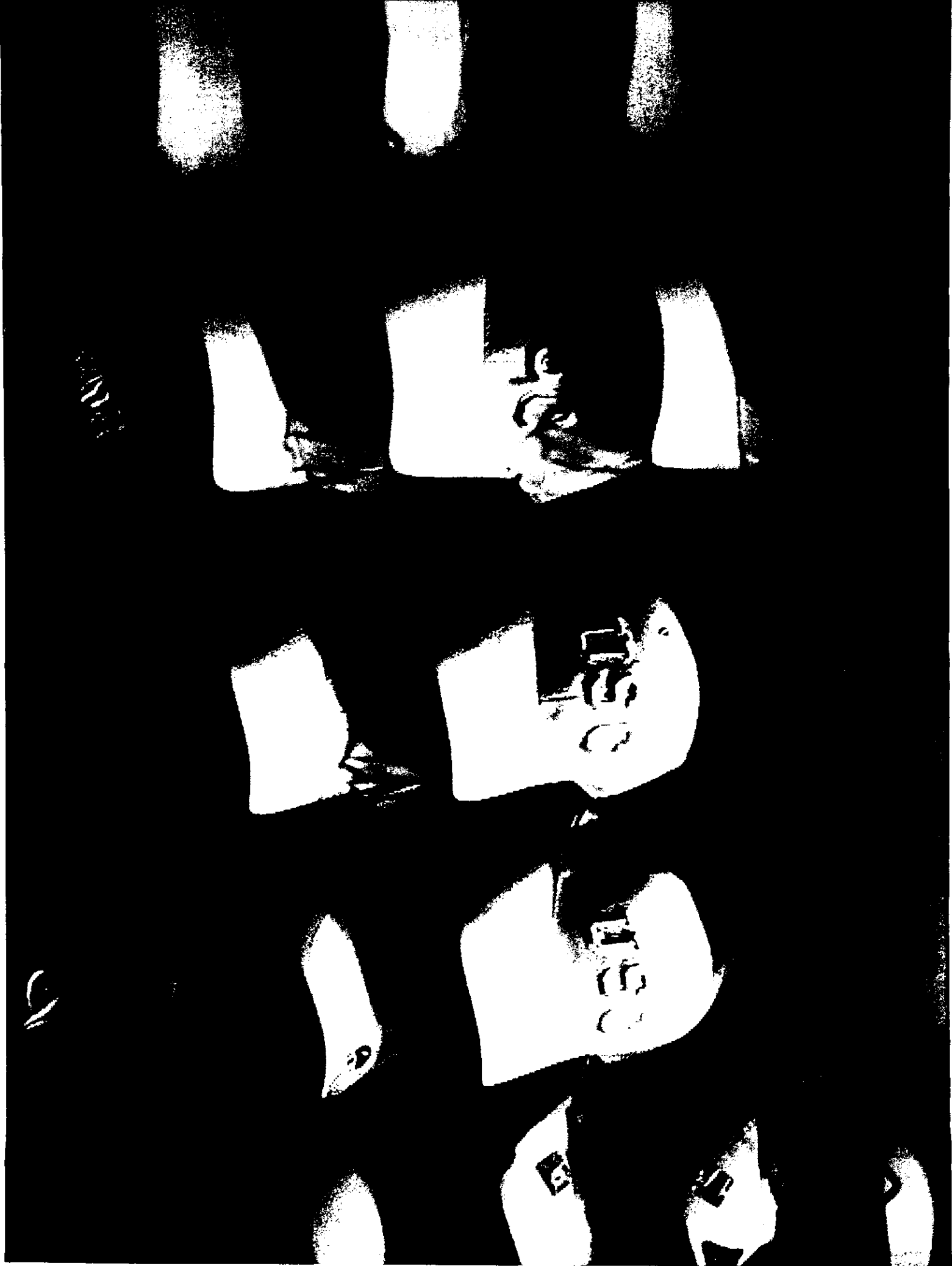
# APPLICANT'S EXH. 25



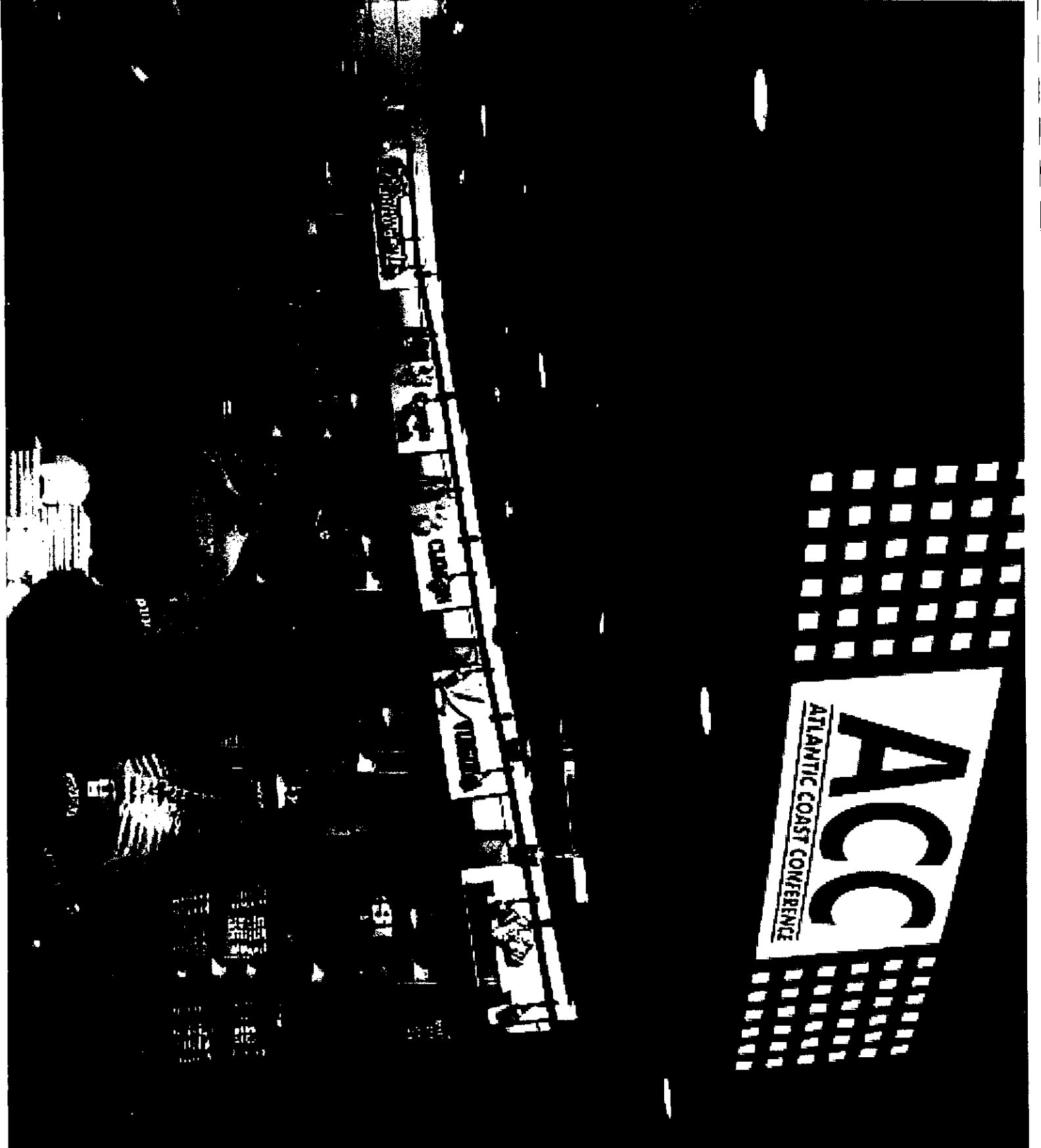
Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

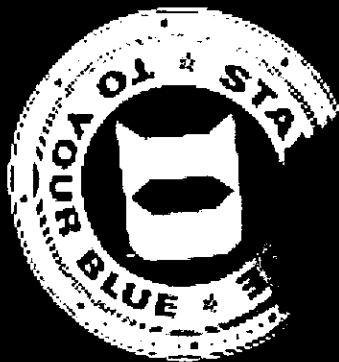
Applicant's Ex. 25

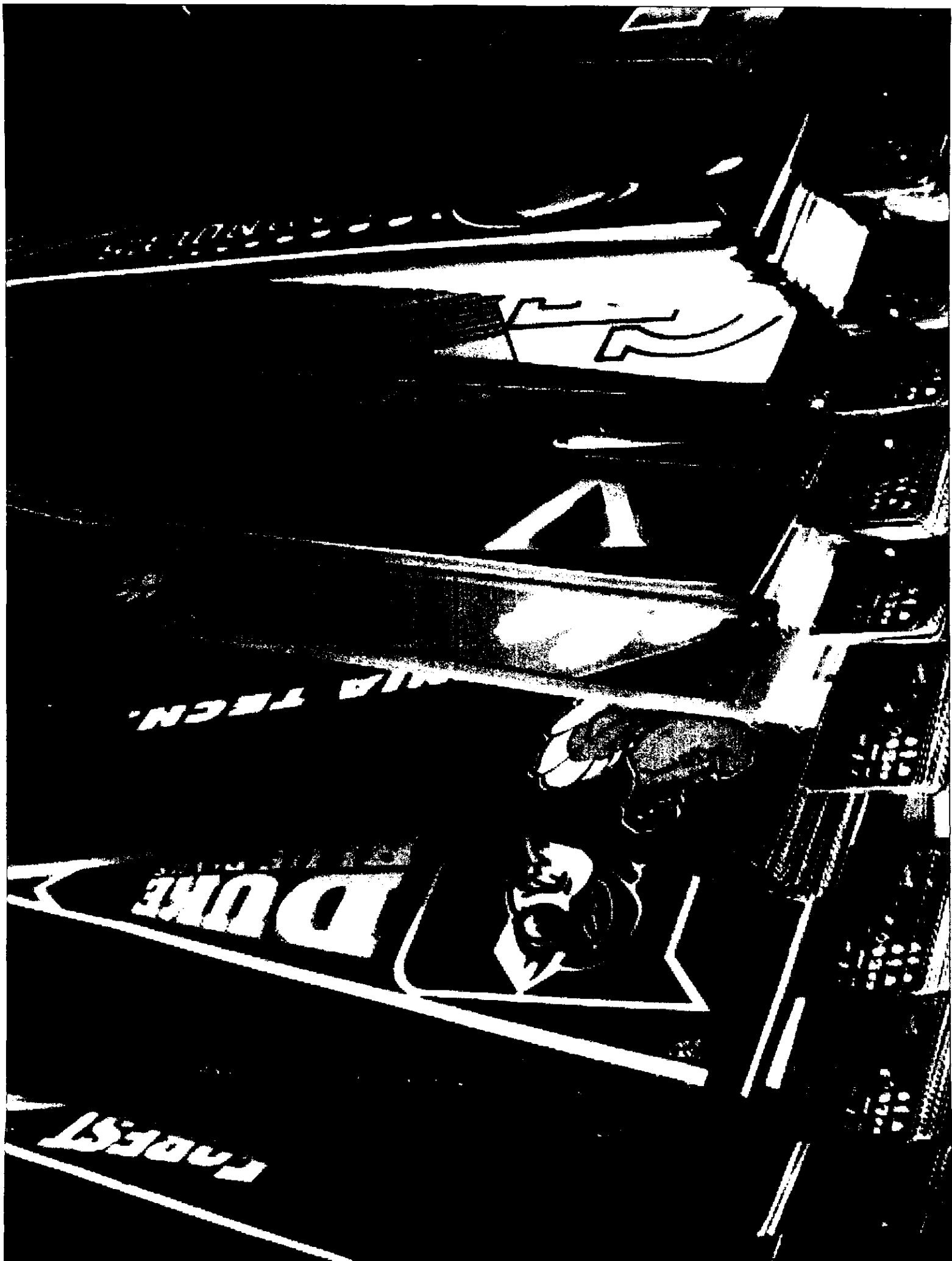


# APPLICANT'S EXH. 26



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina  
Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina  
Applicant's Ex. **26**







# APPLICANT'S EXH. 27

JCPenney

JCPenney

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 27

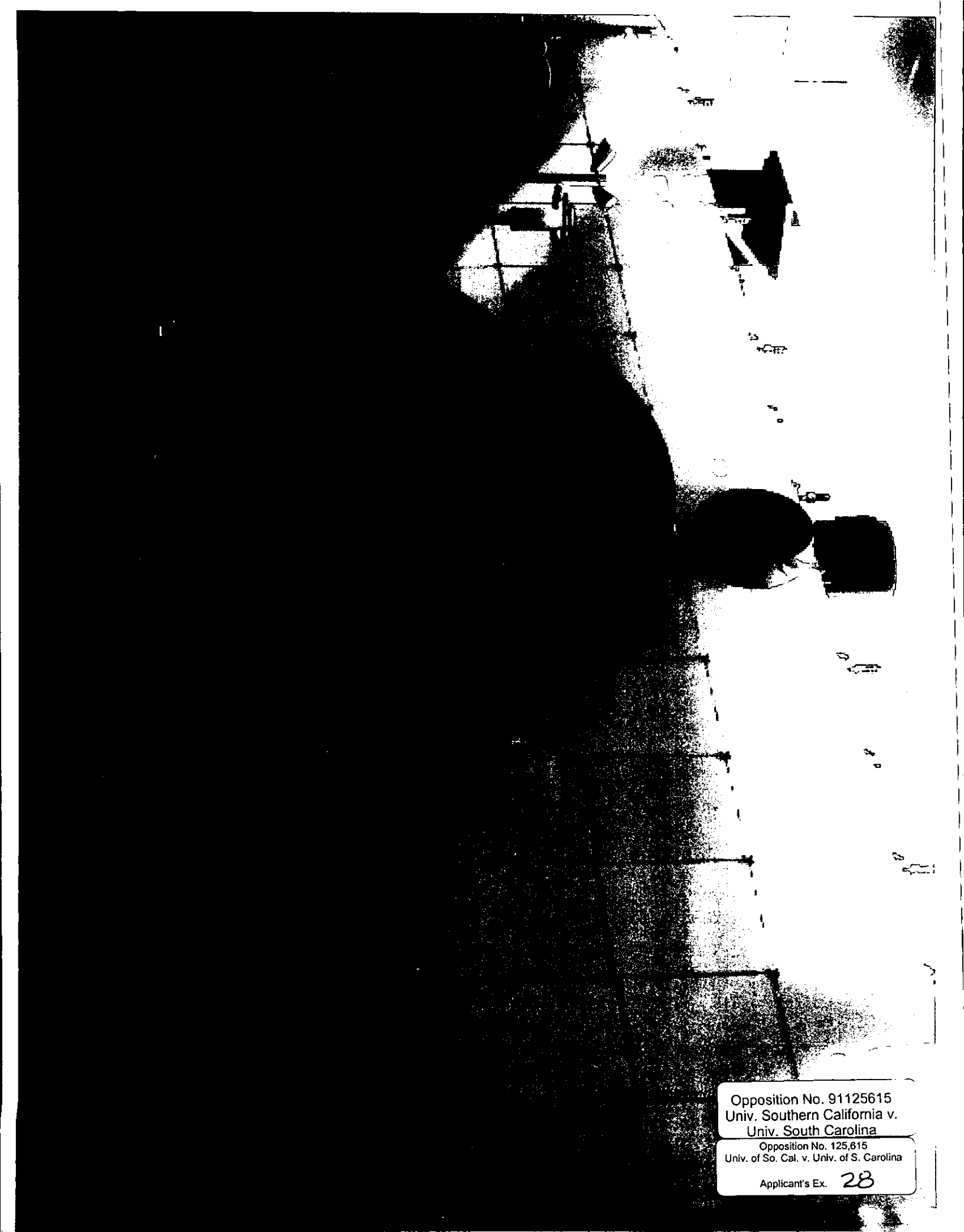
UNITED STATES

IN STATE

FREE



# APPLICANT'S EXH. 28



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 28

2



62



JUSTICE

JUSTICE

JUSTICE

JUSTICE

JUSTICE



# APPLICANT'S EXH. 29

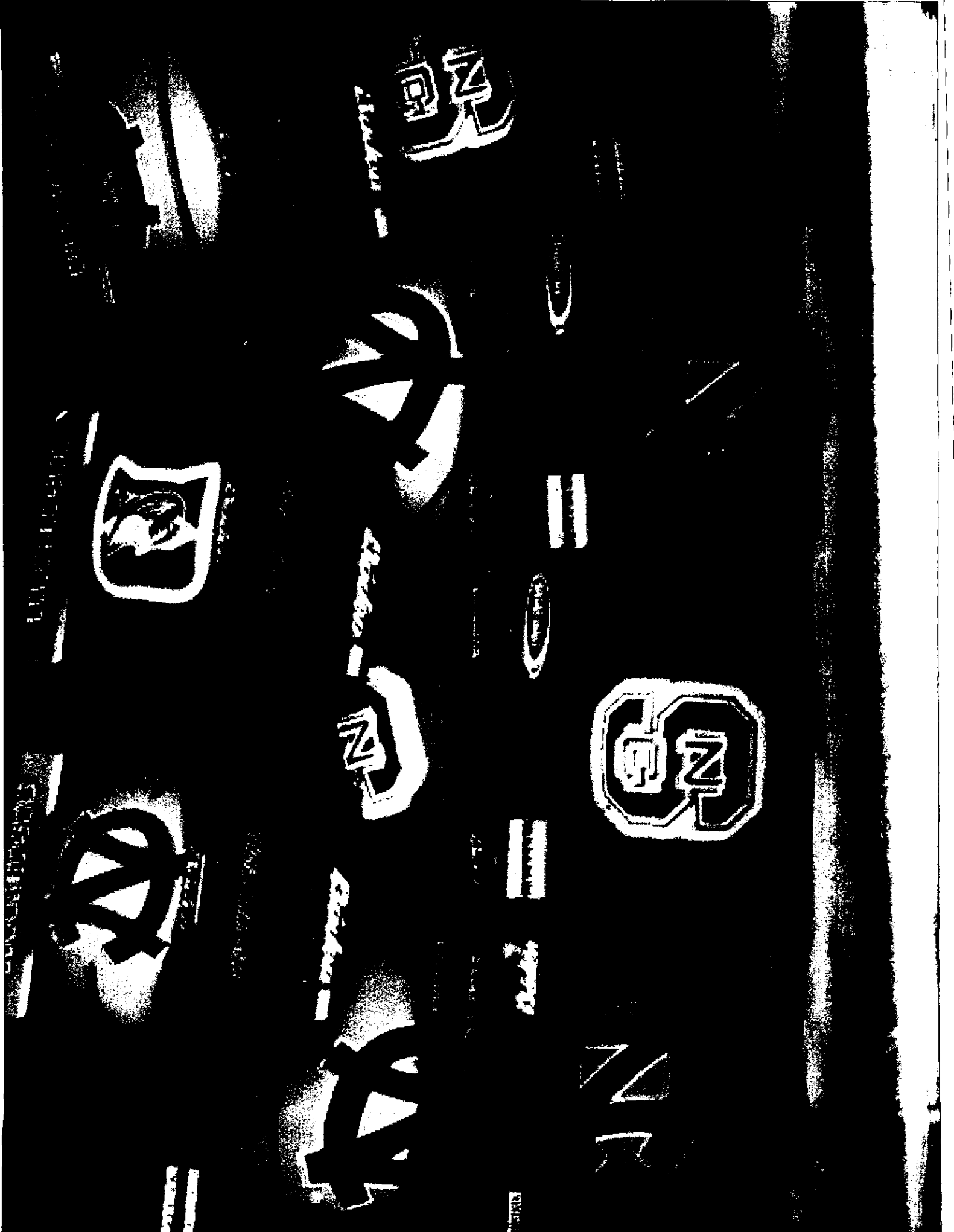


# OMEGA's

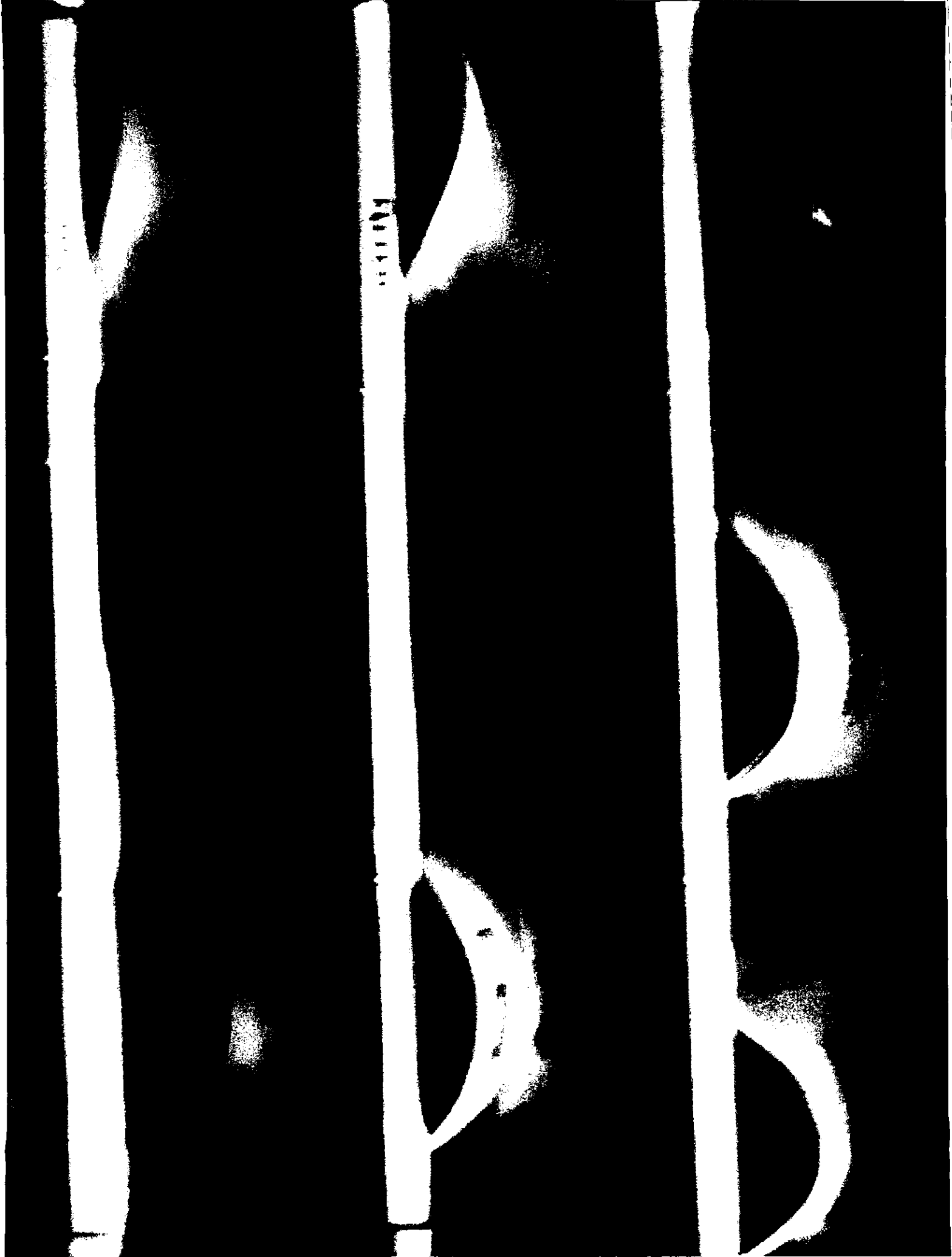
Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 29









POWERFULLY STRONG  
PEPPERMINTS  
NET WT. 2 OZ. (56g)

POWERFULLY STRONG  
PEPPERMINTS  
NET WT. 2 OZ. (56g)



POWERFULLY STRONG  
PEPPERMINTS



POWERFULLY STRONG  
PEPPERMINTS



POWERFULLY STRONG  
PEPPERMINTS

MASSCOT  
MINTS



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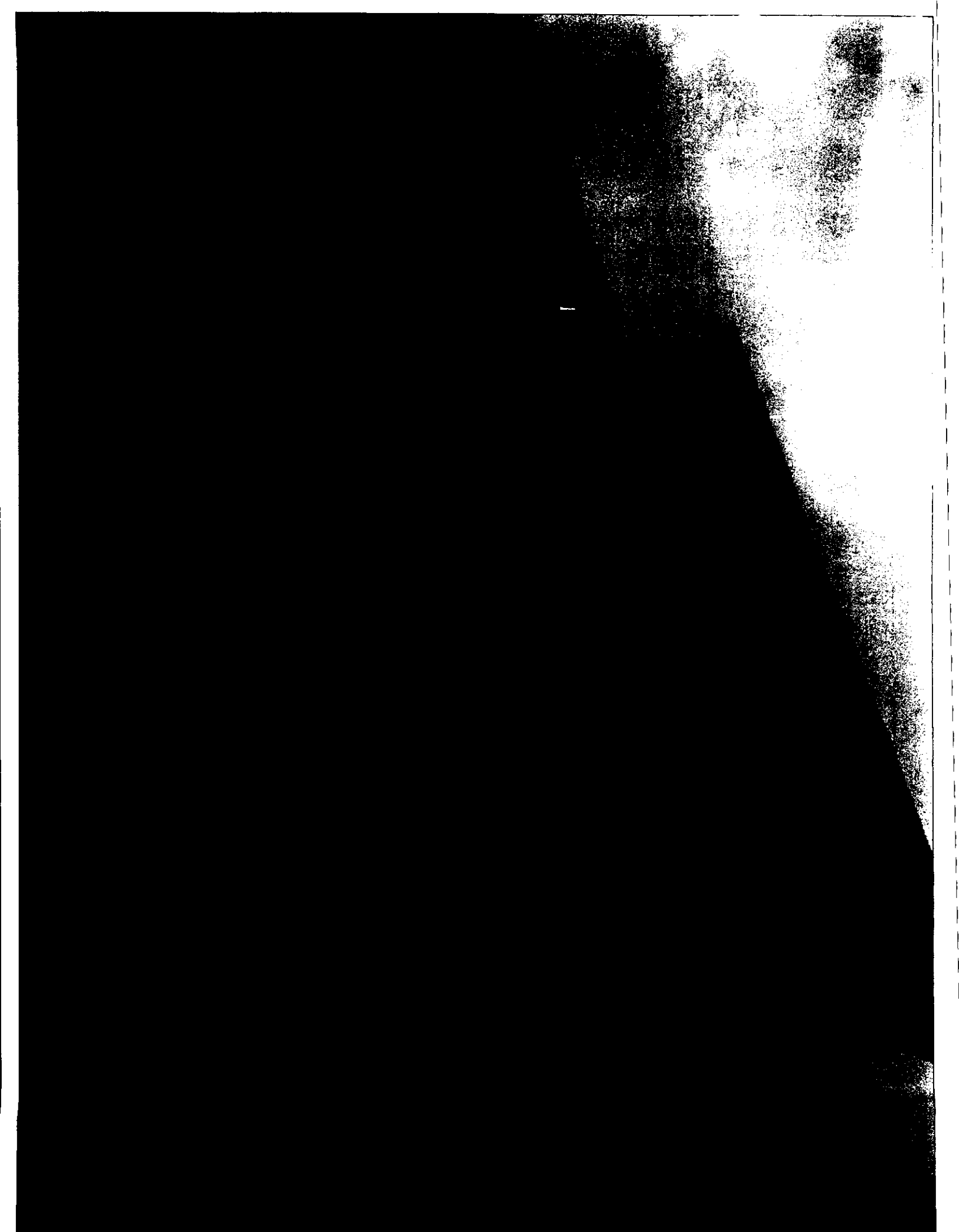
# APPLICANT'S EXH. 30

# FOUR SEASONS

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 30





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# APPLICANT'S EXH. 31

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 31



# APPLICANT'S EXH. 32

# DICK'S

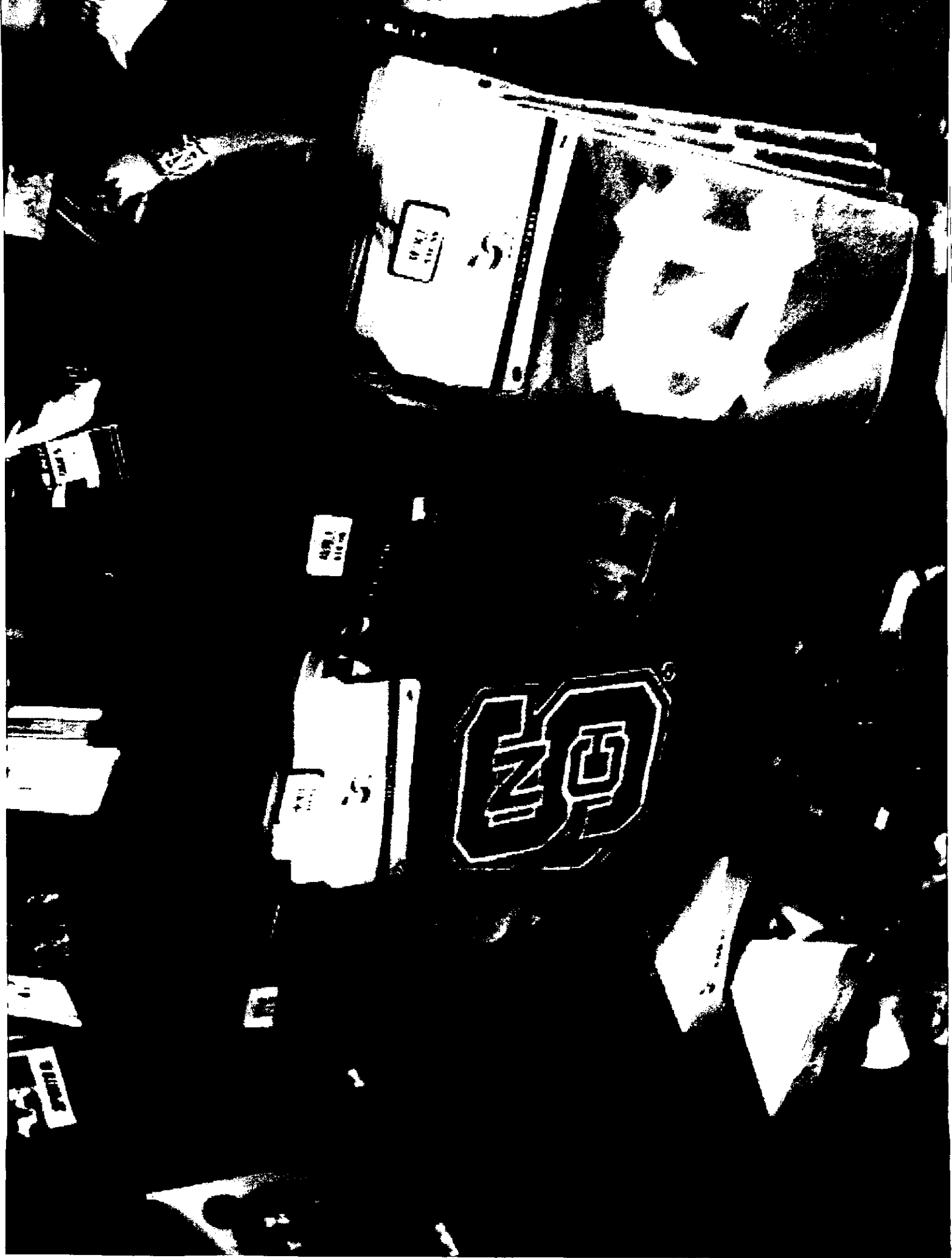
## SPORTING GOODS

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex.

32



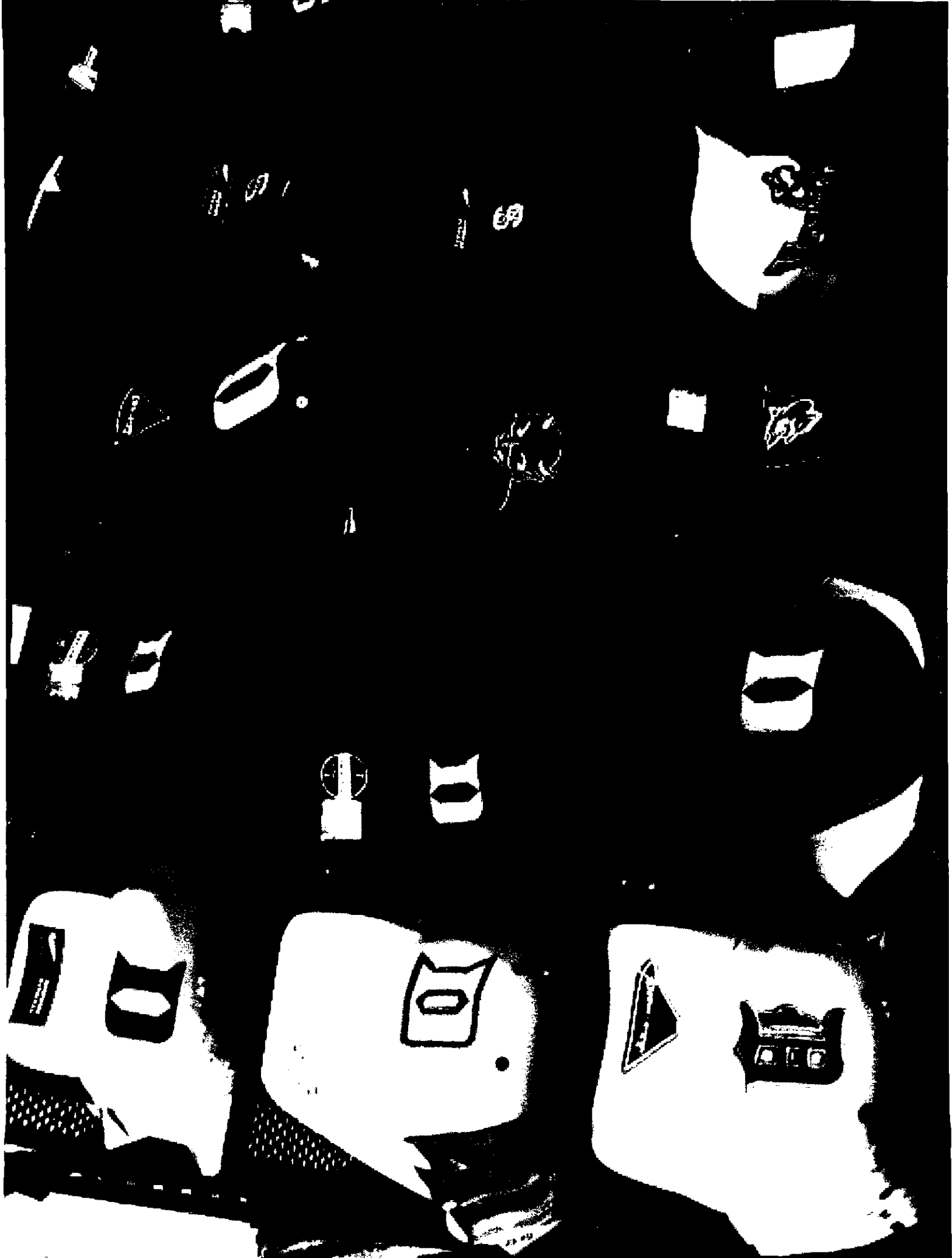


# APPLICANT'S EXH. 33

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 33



# APPLICANT'S EXH. 34

# JO PERRY

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125.615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 34



# APPLICANT'S EXH. 35

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Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 35





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# APPLICANT'S EXH. 36

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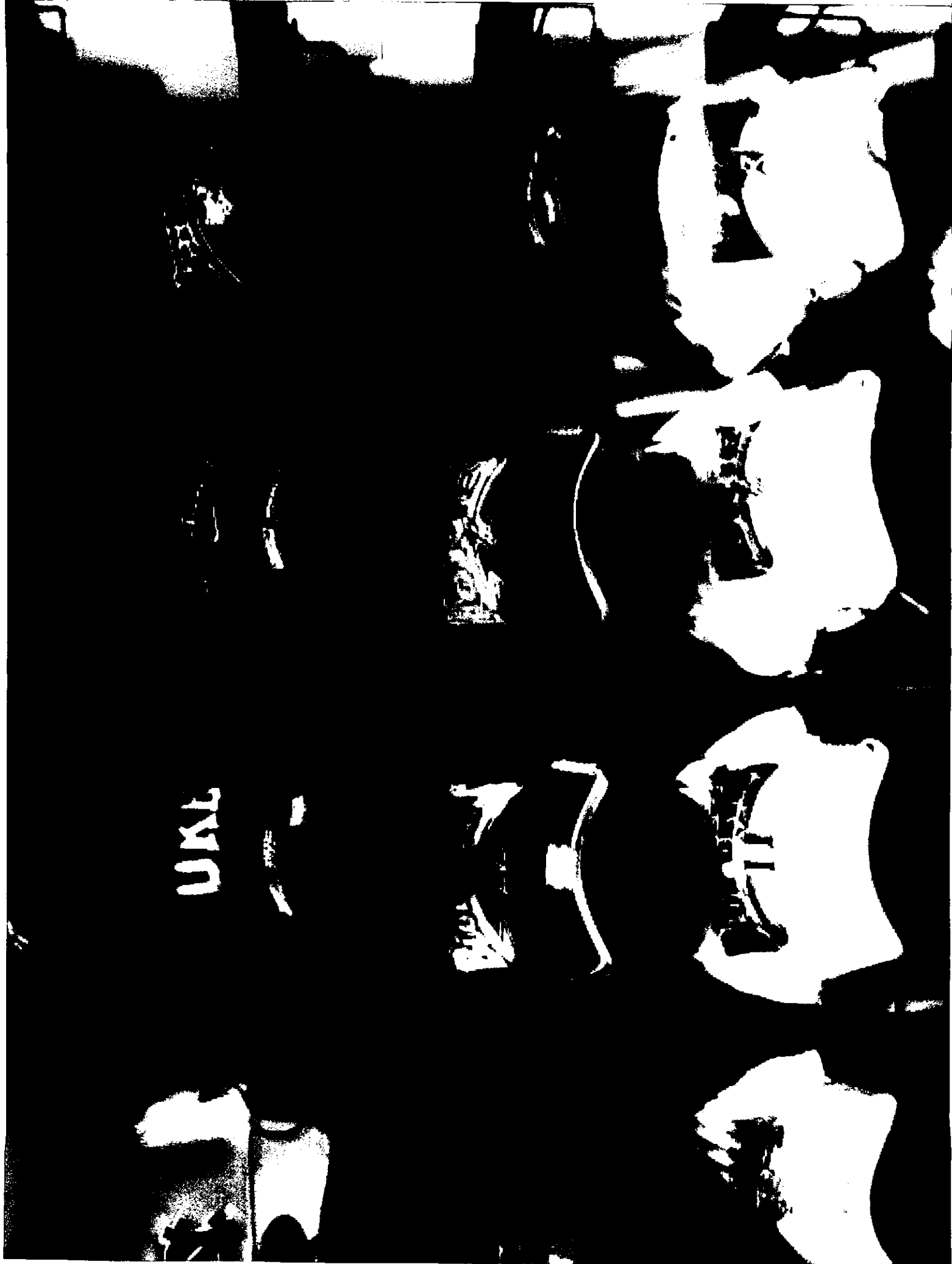
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Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 36





# APPLICANT'S EXH. 37

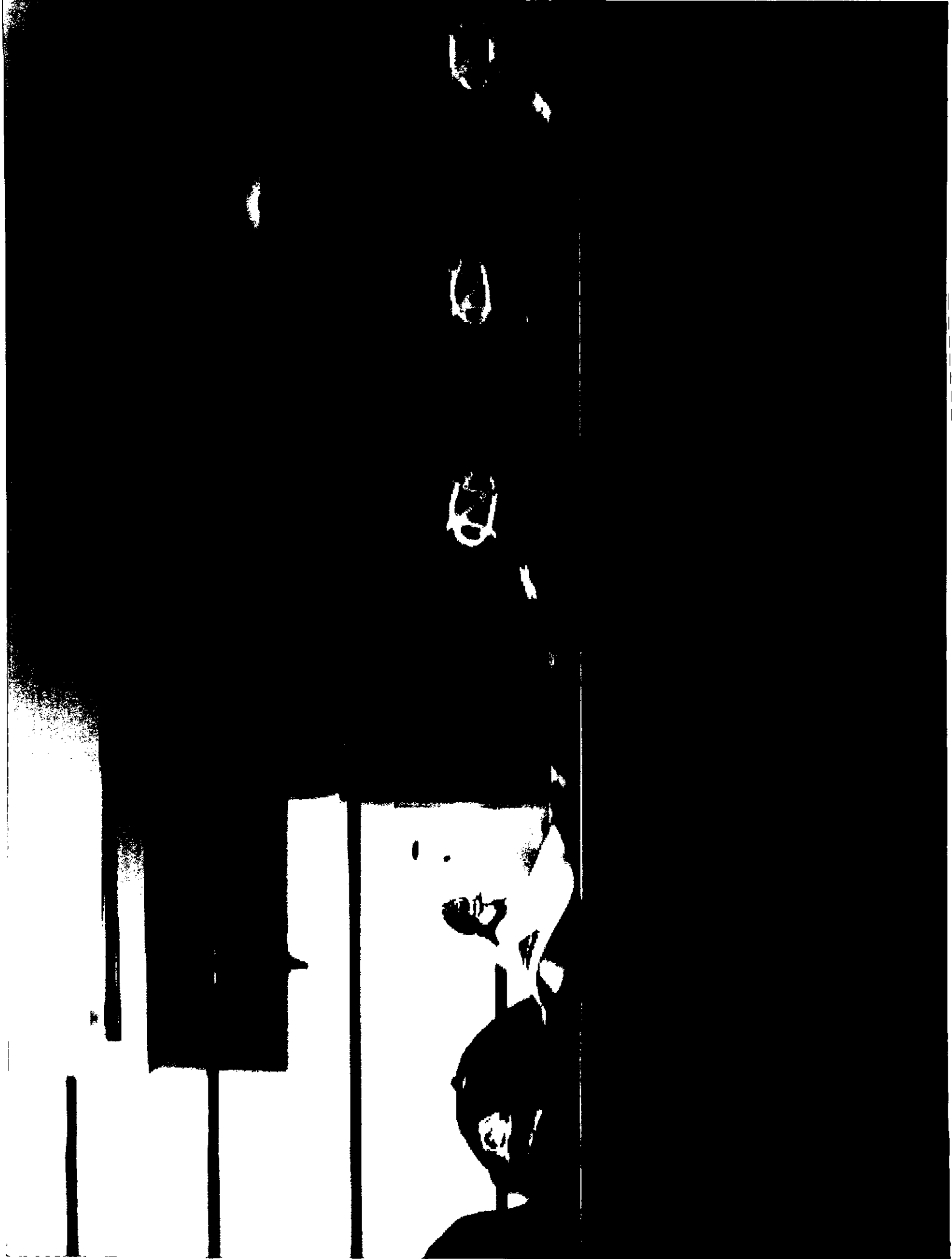
USE KEY

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 37







# APPLICANT'S EXH. 38



# Lids

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 38

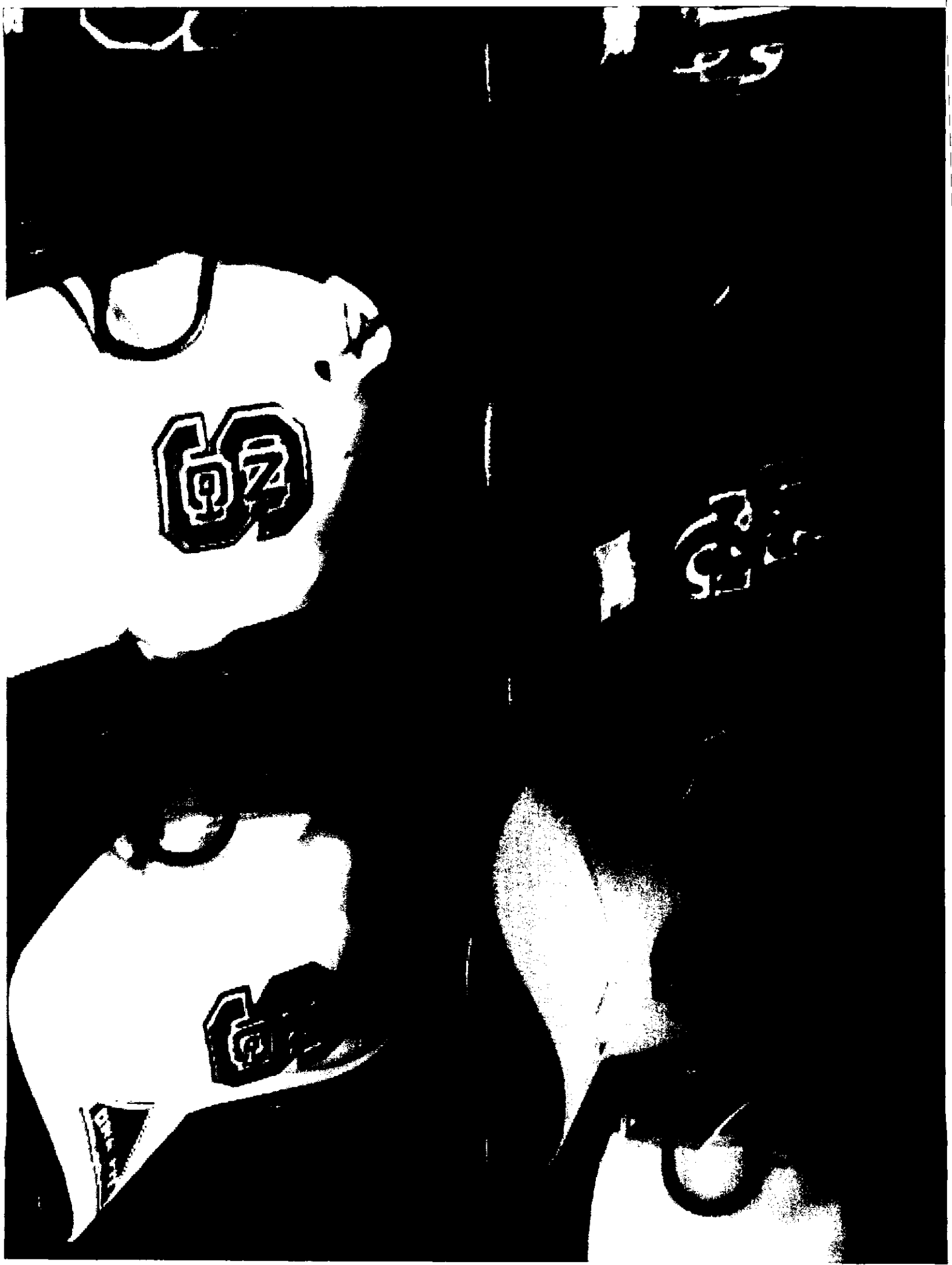


# APPLICANT'S EXH. 39

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 39





# APPLICANT'S EXH. 40

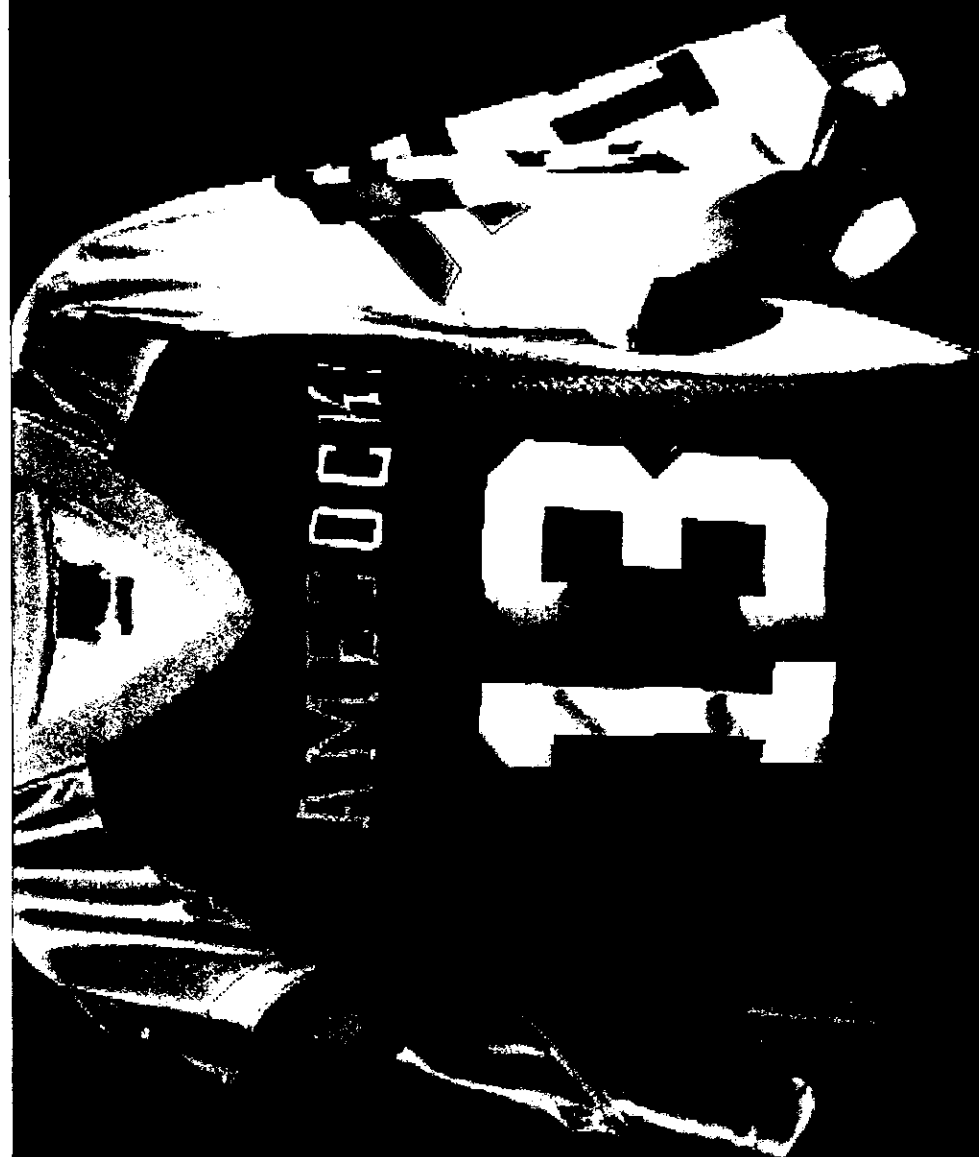
Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 40

AMETOCK

13



# APPLICANT'S EXH. 41

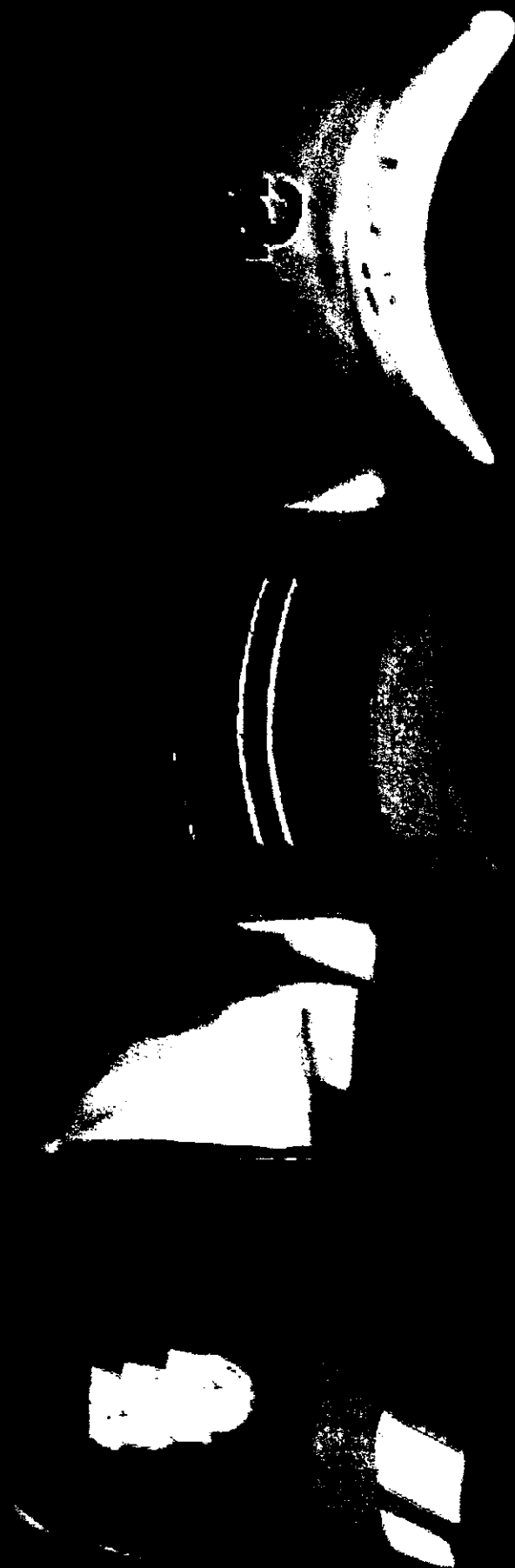
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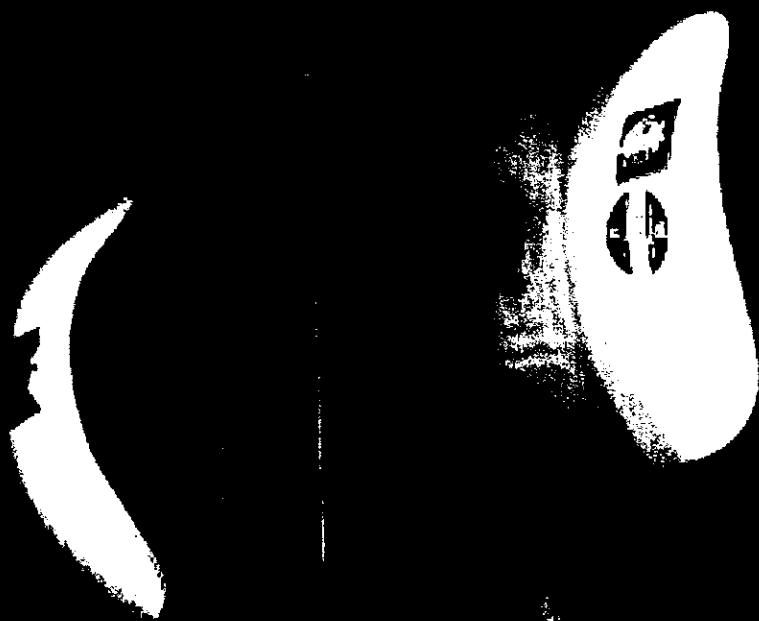


Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 41









# APPLICANT'S EXH. 42

JCPenney

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex.

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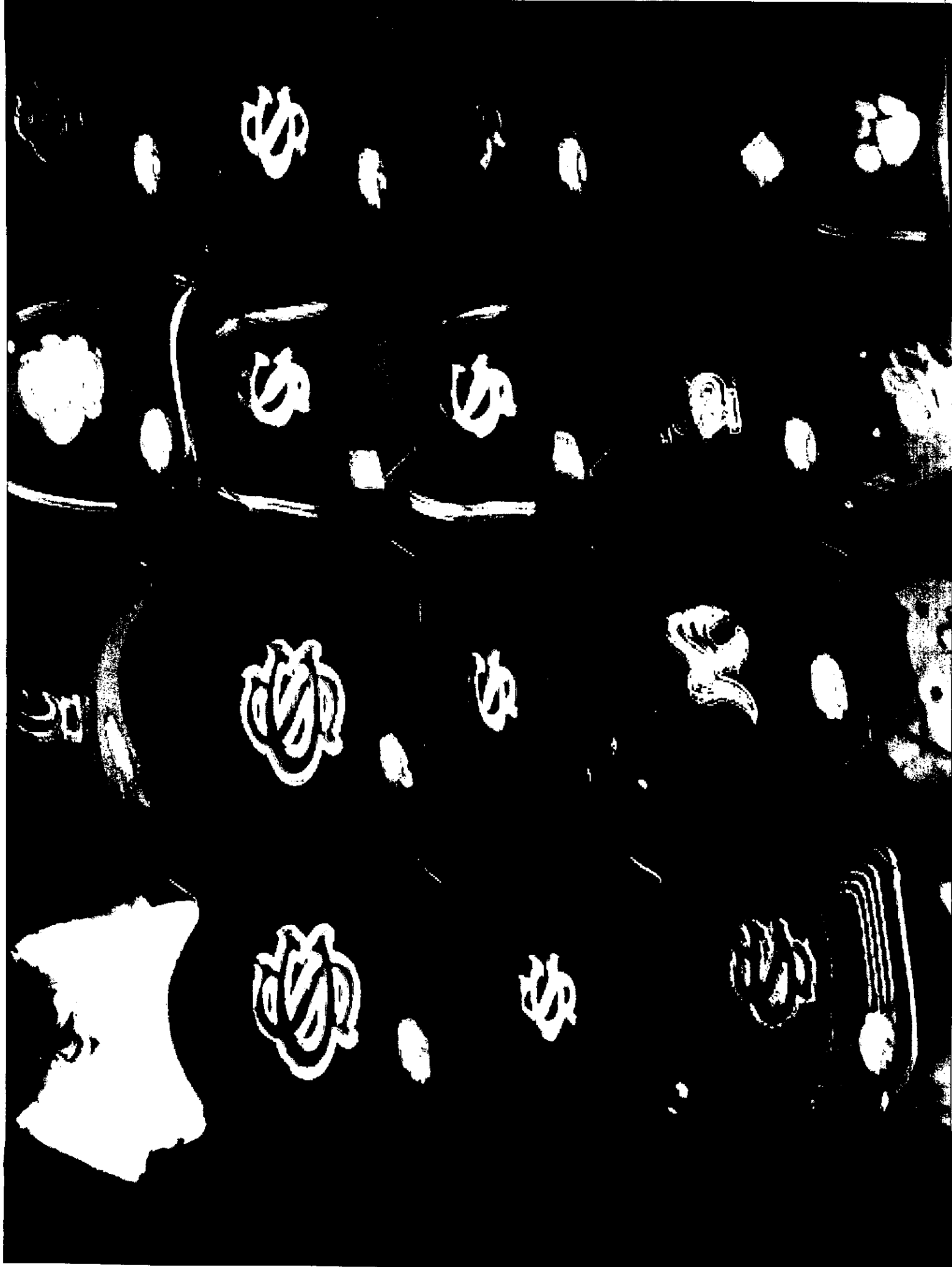
# APPLICANT'S EXH. 43



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 43





# APPLICANT'S EXH. 44



# Appellate

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,815  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 44



# APPLICANT'S EXH. 45

MPS

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 45



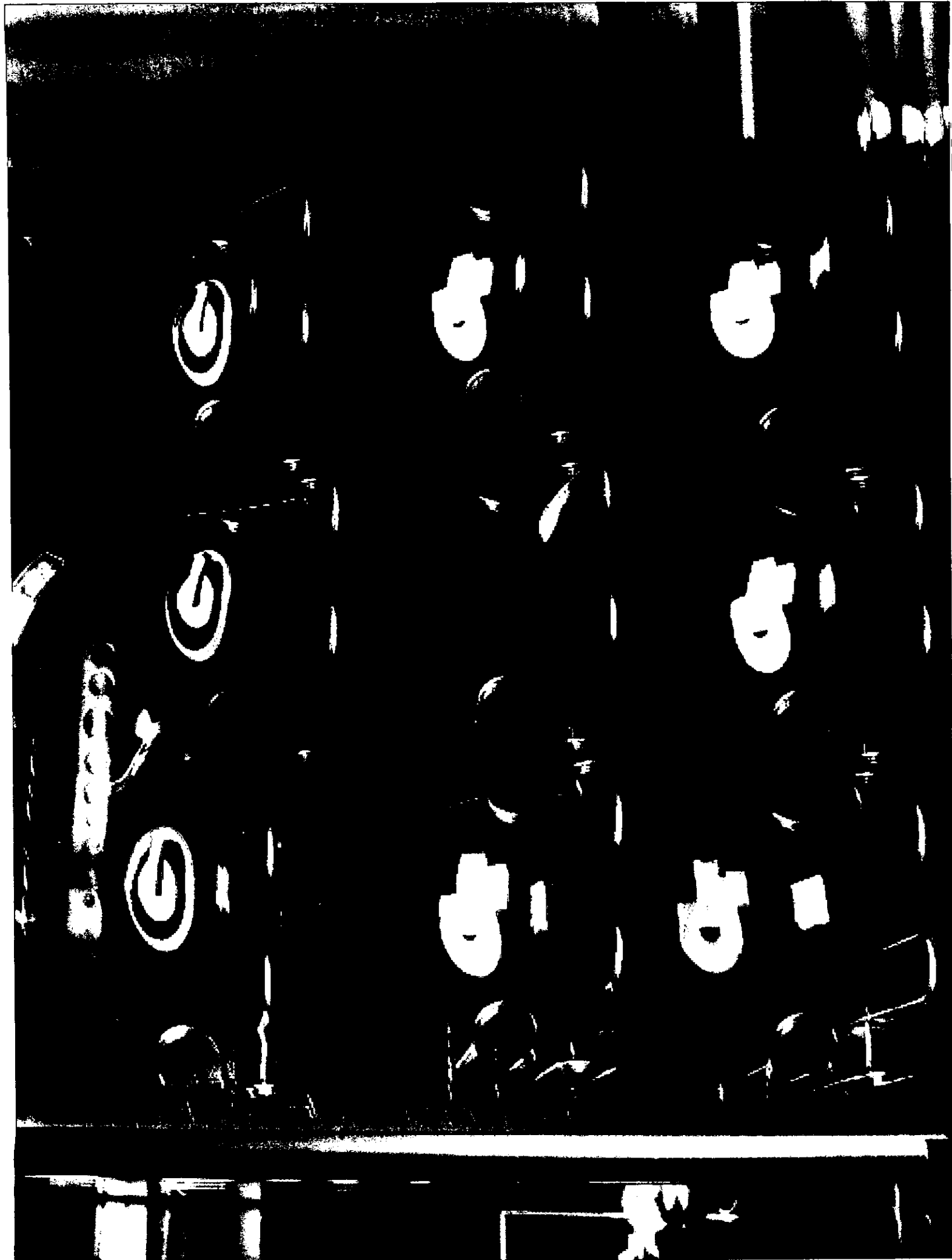
# APPLICANT'S EXH. 46

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex.

46





# APPLICANT'S EXH. 47

STADIUM  
STATION

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 47



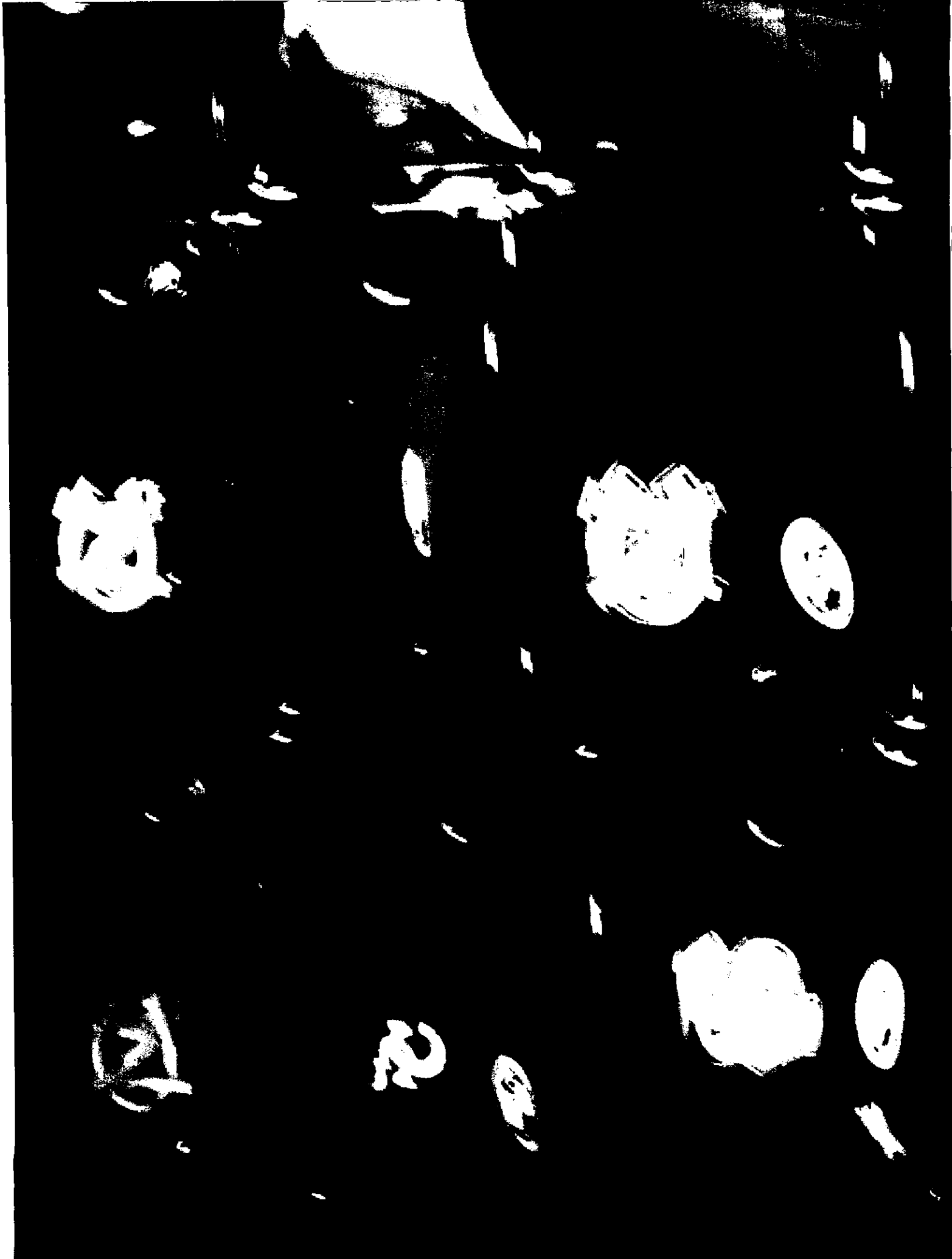


# APPLICANT'S EXH. 48

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 48



# APPLICANT'S EXH. 49





Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex.

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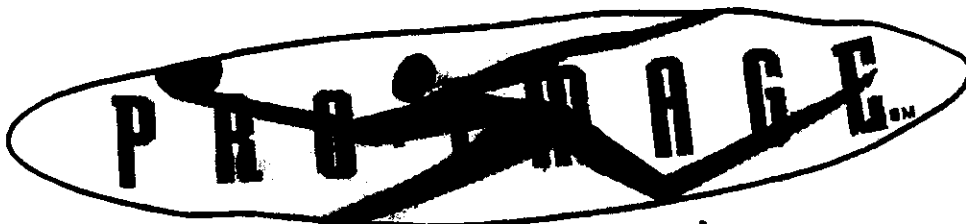
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OPPOSER'S EXH. 350

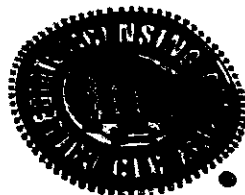
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Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 35, Pg. No.

# OPPOSER'S EXH. 351

FLORIDA  
UNIVERSITY

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 351, Pg. No. \_\_\_\_

UNIVERSITY

## SIGNATURE OF DEPONENT

I, the undersigned, KENNETH H. TAYLOR, do hereby certify that I have read the foregoing deposition and find it to be a true and accurate transcription of my testimony, with the following corrections, if any:

PAGE	LINE	CHANGE	REASON
15	1	ADD "2005" AFTER NOV.	CLARITY
16	24	ADD "PHOTOGRAPHS OF" BEFORE "THEY"	



KENNETH H. TAYLOR


4/21/06

Date

**CERTIFICATE OF MAILING**

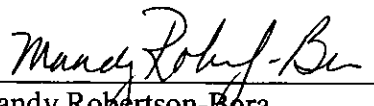
I hereby certify that I am mailing a copy of the foregoing **NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY DEPOSITION OF KENNETH H. TAYLOR AND ACCOMPANYING EXHIBITS** by United States First Class Mail, postage prepaid, in an envelope addressed to:

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

  
\_\_\_\_\_  
Name: Mandy Robertson-Bora  
Date: July 10, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that I am mailing a copy of the foregoing **NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY DEPOSITION OF KENNETH H. TAYLOR AND ACCOMPANYING EXHIBITS** by United States First Class Mail, postage prepaid, to John C. McElwaine, Nelson Mullins Riley & Scarborough, LLP, Liberty Building, Suite 500, 151 Meeting Street, Charleston, SC 29401 on the date written below my signature, and e-mailing a copy of the foregoing to [jcm@nmrs.com](mailto:jcm@nmrs.com).

  
\_\_\_\_\_  
Name: Mandy Robertson-Bora  
Date: July 10, 2006